RECORDS IN THE BRITISH PUBLIC RECORDS OFFICE RELATING TO SOUTH CAROLINA

VOL. 33
1771 - 1773

MICROFILMED
BY
WM. L. McDOWELL

Vol 33

1771

B P R O Journals B T Vol 79

Whitehall 6th February 1771

At a Meeting of His Majesty's Comm^rs for Trade & Plantations

Present

Mr Jenyns, Lord Greville, Mr Sylvester, Mr Whately

The Earl of Hillsborough, one of His Majesty's Principal Secretaries of State, attends

. . . . . .

Read a Letter from William Bull Esqr Lieut Governor of South Carolina, to the Board, dated Octr 11th 1770, relative to Middleton's having resigned his Seat at the Council Board, and recommending three Persons fit to supply the vacancy.

Their Lordships took into consideration the State of the Council of South Carolina, and it was ordered the Draught of a Representation to His Majesty should be prepared proposing that Robert Knox Gordon Esqr whom His Majesty has appointed to the Office of Chief Justice of that Province as also William Henry Drayton Esqr may be appointed of the said Council.

. . . . . .

13th February 1771

The Draught of a Representation to His Majesty recommending

recommending William Knox Gordon and William Henry Drayton Esqrs to be of the Council of South Carolina, having been prepared pursuant to order, was agreed to, transcribed and signed.

. . . . . .

20th February 1771

Read an Order of the King in Council, dated Decr 9th 1770, referring to this Board, for their consideration and Report, a Petition of the Agent of South Carolina to His Majesty, respecting an Additional Instruction of the 14th of April last to the Governor of that Province; and praying that His Majesty will, for the Reasons therein set forth, withdraw the said Instruction, and enjoin a communication to the Commons House of Assembly for the future of all such Representations, as may be intended to be sent from His Majesty's Governors relative to the proceedings of the said House.

Ordered, that the above Order of Reference be taken into consideration on this day sennight.

. . . . . .

15th March 1771

Their Lordships took into further consideration an Order of the King in Council referring a Petition of

of the Agent for the Province of South Carolina, which Order of Reference is mentioned in the minutes of the 20th of last month, and it was agreed to proceed thereupon on Monday the 25th instant, and that the Agent should have notice to attend.

. . . . . .

25th March 1771

The Order of the King in Council of the 9th of December last, referring the Petition of Samuel Garth Esqr Agent for the Province of South Carolina, relative to His Majesty's Additional Instruction to His Governor of that Province of the 14th of April 1770, was pursuant to order, taken into further consideration, and Mr Garth attending was heard in what he had to offer thereupon & being withdrawn it was ordered that the Draught of a Report to the Lords of the Committee of Council should be prepared.

. . . . . .

27th March 1771

The Draught of a Report to the Lords of the Committee of Council upon the Petition of the Agent of South Carolina relative to His Majesty's Additional Instruction to the Governor of the 14th of April 1770 having been prepared pursuant to order, was approved

transcribed

transcribed and signed.

11th April 1771

Their Lordships took into consideration an Order of the Lords of the Committee of Council for Plantation Affairs, mentioned in the Minutes of the 3d of Janry 1770, referring to this Board, for their consideration and Report, copies & extracts of several Letters and papers transmitted to the Earl of Hillsborough by the Governors of North Carolina and South Carolina, touching the continuation of the Boundary Line between the said Colonies; and their Lordships also at the same time read and considered a Memorial of Mr Garth, Agent for the Province of South Carolina on that subject; and agreed to take the said papers into further consideration tomorrow morning.

Ordered, that the Secretary do give notice thereof to the Agents for both Provinces; and acquaint them that the Board desire their attendance thereupon.

Ordered that the Secretary do write to Lord Charles Greville Montagu, desiring his attendance on the Board tomorrow morning, on the subject of the said Boundary Line; as also on the subject of the State of the Council of South Carolina.

12th

12th April 1771

Their Lordships took into consideration the State of the Council of South Carolina, and Lord Charles Greville Montagu attending, their Lordships, after some discourse with him thereupon, ordered the Draught of a Representation to His Majesty to be prepared, recommending Barnard Elliot and David Deas to be appointed of the said Council.

Their Lordships then took into consideration the papers relative to the Boundary Line between South Carolina and North Carolina, and the Agents for both Provinces attending, were called in, and both of them having acquainted the Board, that they had nothing further to offer than what is contained in Papers already before the Board, they withdrew, and it was ordered that the Draught of a Report to the Lords of the Committee of Council should be prepared.

19th April 1771

Their Lordships read & considered ..... the Draught of a Report upon the papers relative to the Boundary Line between the Provinces of North Carolina and South Carolina.

Read

. . . . . .

Read a Letter from William Bull Esqr Governor of South Carolina, to the Board, dated Mar 4 1771 transmitting List of Grants of Lands from July 3^d 1770 to October 12th following

An Ordinance for appointing Henry Peronneau & Benjamin Dart Esquires Joint Publick Treasurers of this Province

. . . . . .

24th April 1771

The Draught of a Report to the Lords of the Committee of Council on the subject of the Boundary Line between the Provinces of North Carolina and South Carolina was further considered, approved, and signed

. . . . . .

21st April 1771

Their Lordships agreed to and signed Representations to His Majesty recommending ....., and Barnard Elliot and David Deas Esquires to be of the Council of South Carolina

. . . . . .

29th May 1771

Read an Order of the Lords of the Committee of Council for Plantation Affairs, dated May 25th 1771 directing that

that this Board do prepare and lay before them Draughts of Additional Instructions to the Governors of North Carolina and South Carolina for the settling of a final Boundary Line between those Provinces, conformable to the Report of this Board of the 24th of April last.

The Draughts of Additional Instructions to the Governors of North Carolina and South Carolina, conformable to the directions of the said Order, having been prepared, were approved, and a Report to their Lordships thereupon was signed.

. . . . . .

19th June 1771

Their Lordships read & considered . . . . . also eighteen Acts passed in South Carolina in the year 1770 & 1771, with Mr Jacksons Report thereupon, and it was agreed to take the said Acts into further consideration tomorrow morning.

. . . . . .

20th June 1771

Their Lordships also took into further consideration the South Carolina laws mentioned in the preceding minutes together with Mr Jacksons Report thereupon, and it was ordered, that the Draught of a Representation to His Majesty should be prepared for the

Disallowance

Disallowance of two of the said Laws intituled

An Act for stamping and issuing the sum of seventy thousand pounds for defraying the expence of building the several Court Houses and Goals appointed to be built in the several Districts in this Province, and for other purposes therein mentioned.

An Act to encourage the making of Flax, Linens and Thread in this Province.

. . . . . .

21st June 1771

A Representation to His Majesty proposing the Disallowance of two Laws of South Carolina was signed.

. . . . . .

22nd August 1771

The Secretary laid before the Board publick Acts and Proceedings of the Legislatures of several of the Colonies, the Titles of which are as follows. viz.

Journal of the Commons House of Assembly of South Carolina from 14. 1770 to Sept 8 following.

Minutes of the Council for South Carolina from June 8th 1770 to March 20th 1771

Do of Council in Assembly from Nov 28. 1769 to March 21st 1771

Journal of the Commons House of Assembly from

Jan'y

Janry 15th to March 20th 1771.

Two Acts and one Ordinance passed March 20th 1771.

List of Grants from Novr 3 1770 to April 12th 1771.

. . . . . .

15th December 1771

Their Lordships took into further consideration the Memorial of Monsr de St Pierre, praying for a Grant of Lands in America for the purpose of improving the Culture of Vines, and the Draught of a Representation to His Majesty recommending that Monsr de St Pierre may have a Grant of five thousand acres of Land in South Carolina, was agreed to, transcribed and signed.

Their Lordships read & considered several Laws of a private nature passed in the Colonies, together with Mr Jackson's Report thereupon; and no objection appearing thereto, Representations to His Majesty in Council were signed, proposing that the said Acts, the Titles of which are as follows, may be confirmed, Vizt.

. . . . . .

An Act to promote and carry more fully into execution an Act to incorporate the Vinyard Society

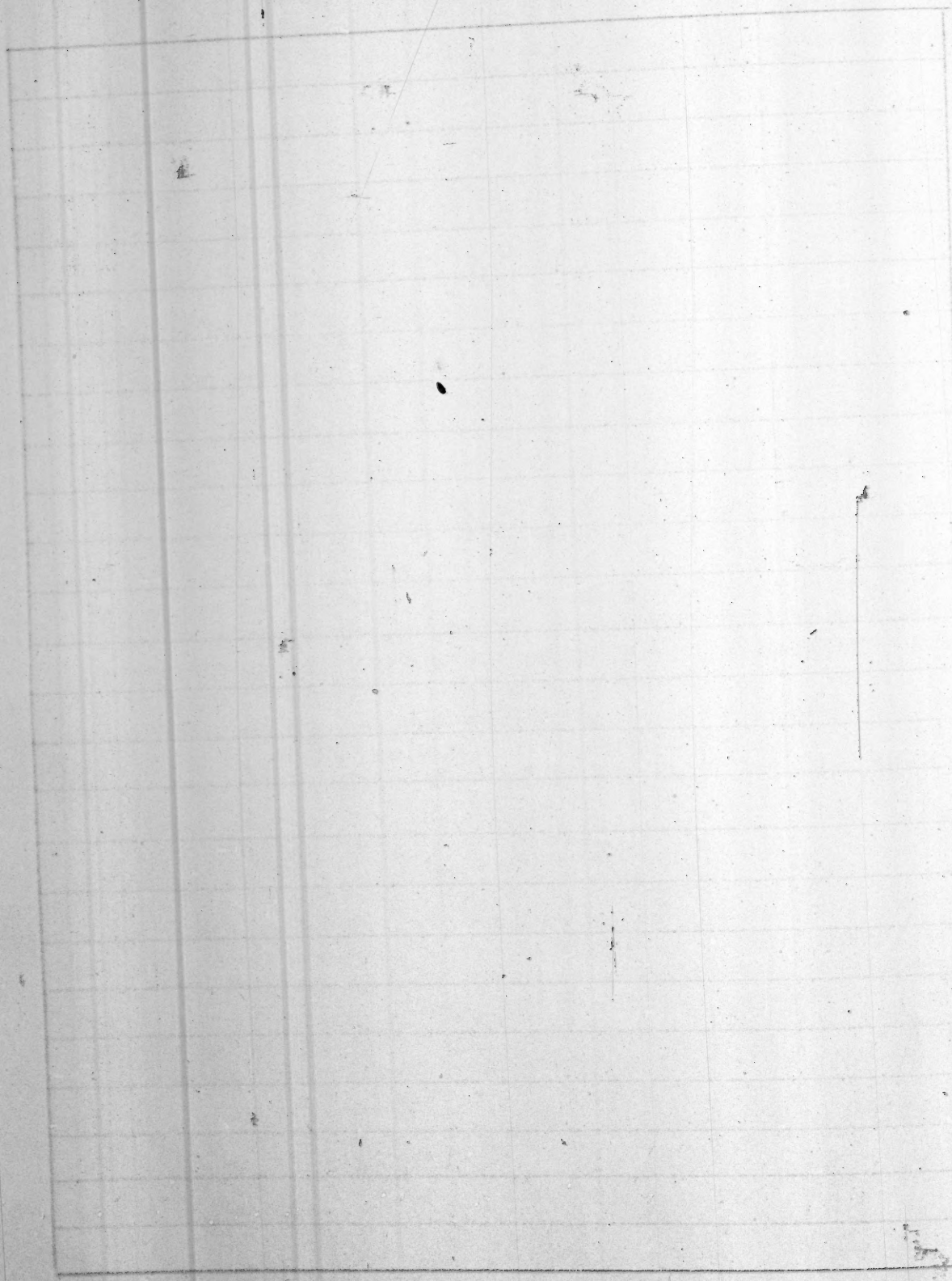
Now

now of force in this Province.

The Secretary laid before the Board publick Acts and proceedings of the legislatures of several of the Colonies, the titles of which are as follows viz[t]

Journal of the Commons House of Assembly of So Carolina from Sept[r] 17[th] to Nov[r] 5[th] 1771

List of Grants from May 11[th] to October 1[st] 1771



B P R O A & W I Vol 227 N°43 p1

Whitehall, Jany 2^d 1771

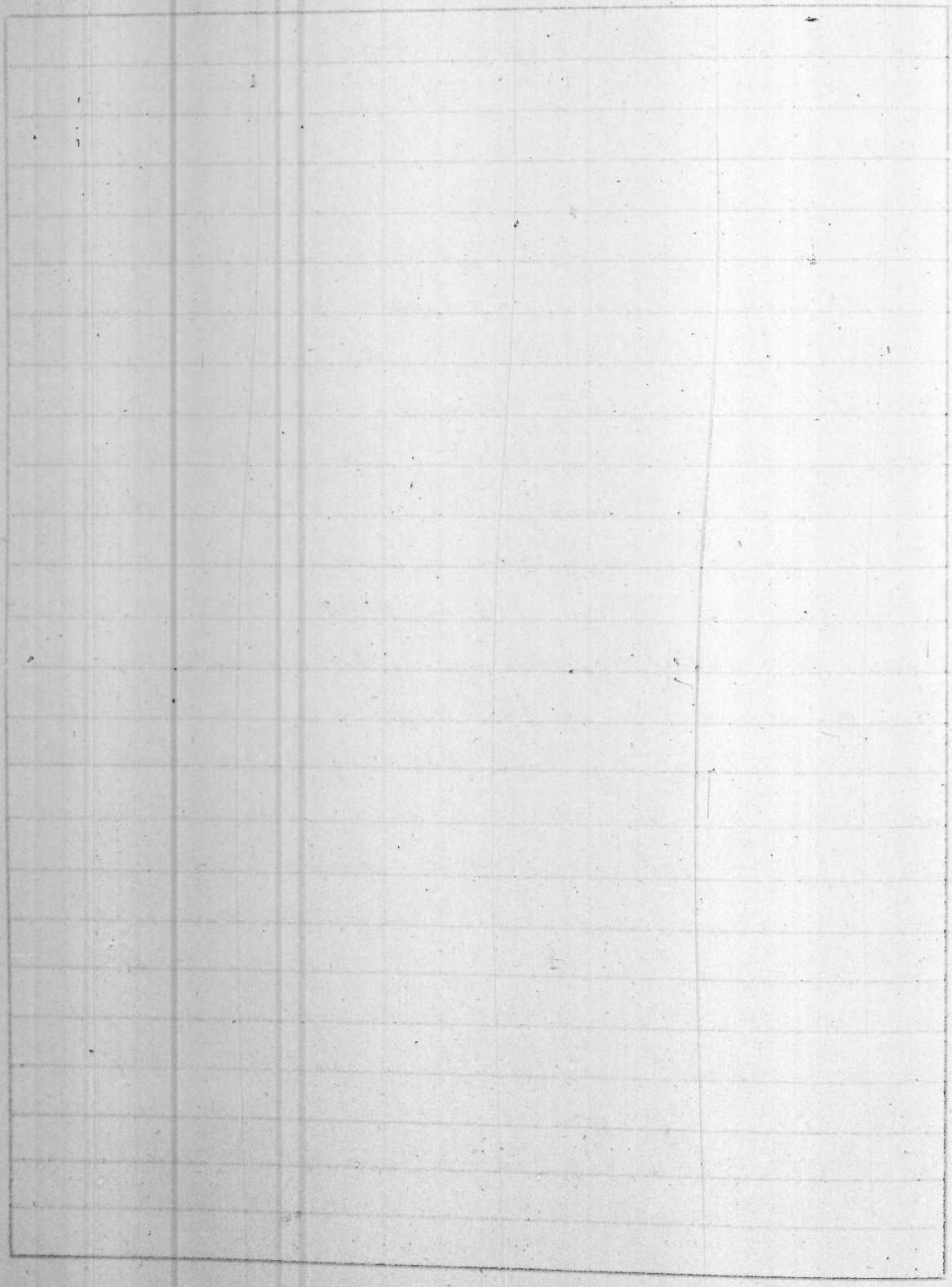
Lieut Govr Bull

Sir

Since my Dispatch to you of the 11th of Dec^br I have received your Letter of the 13th September inclosing a South Carolina Gazette of the 10th of that Month, containing the Proceedings of the Council respecting the Contest subsisting between that Body and the House of Assembly. The same Paper had before fallen into my hands, and I did not fail to lay it before the King, and had then the Honour to receive His Majesty's Commands to signify to you His Royal Approbation of the Conduct of the Council, which I did in my last Letter, of which I now send you a Duplicate

I am &c

Hillsborough



B P R O Ar W I Vol 224 N° 41 p 75

Charlestown January 17th 1771

My Lord

On the 29th of last month I had the honor of receiving your Lordship's letter N° 40 & return my thanks to your Lordship for the early attention paid to my Letters therein mentioned

I am honoured this day with a duplicate of your Lordships Letters N° 39 & 40 and original of N° 41 with your Lordships circular letter inclosing the Kings Speech, and have only to add that your Lordship will please be assured that I shall adhere with the utmost firmness to His Majesty's Instructions & in particular to that dated the 18th of April last

I beg leave to observe to your Lordship that the kindness shewn by me to the Spaniards mentioned in my letter N° 33, being a matter transacted on last August, was long before we had received the least intimation of the insult offered to his Majesty's Settlement at Falkland Island by the Governor of Buenos Ayres, and that the relief of provisions being of such as were a year old, and as is usual in our hot climates much eaten by worms and small insects, can even in case of War be of

little

little service to them. I should have condemned my-
self of the most blameable inattention under our
present situation to have granted any assistance but
in case of their Vessels arriving here in very visible
distress from Sea.

On the 21st day of last month Captain
Robinson commanding his Majesty's Ship Sowy Station-
ed for the Protection of this Province, having ac-
quainted me by Letter that he had received orders
from Commodore Gambier at Boston to repair forth-
with to Virginia with the Sowy, and that his
Majesty's Sloop Bonetta now at Providence was order-
ed to Charlestown in place of the Sowy. When I
considered the apprehensions of a War with Spain,
and the Information I had received that the Spain-
iards at Cuba were preparing Vessels for Privateers
ready to put to Sea on the first notice of declaration
of War, and as by Vessels from Jamaica I learned
that several Spaniards there were purchasing Sloops and
Cannon from the Merchants at Kingston, probably in-
tended for the like Service, I thought it my Duty
to lay Capt. Robinsons Letter before his Majesty's Coun-
cil for their advice in this juncture, which was
to confer with Capt. Robinson thereupon, that if possible

his

his departure might be delayed until the arrival of the Bonetta. I accordingly desired Capt Robinson to meet me in Council, and represented to him the danger, which in the Present situation of affairs, the property of his Majestys Subjects in Great Britain as well as South Carolina would be exposed, if our Coast should be left unprotected, at a Season when almost every day several Vessels loaded with Rice Corn and Naval Stores, Articles of the utmost consequence to the Enemy, would be met with on our Coasts, which would be a certain object and easy prey to their Privateers I therefore urged the necessity of Capt Robinsons remaining here until the Bonetta or some other of his Majestys Ships should arrive here, Captain Robinson consented to remain here accordingly. — I have the honour to transmit to your Lordship an account of this proceeding and hope this short delay of Captain Robinsons departure according to Commodore Gambiers order will meet with the approbation of his Majesty

I have the honour to be with the greatest respect

My Lords

Your Lordships

Most obedient

most

15

most humble Servt
Wm Bull

P.S January 22d 1771

The Bonetta being arrived yesterday Capt Robinson sails this day to Virginia

To the right honourable the Earl of Hillsborough
His Majestys Principal Secretary of State for
America at Whitehall

B P R O Ar H I bol 327 N° 112 p 29

Charlestown January 22d 1771

My Lord

On the 16th instant I opened the Session of General Assembly with a Speech which I have the honor to inclose to your Lordship. The Council presented their Address the 18th in which they gave assurances that they will not permit any Bill that is not conformable to the Royal Instruction of the 14th of April to come to me for my Assent. But the Assembly, before they proceeded to their Address immediately sent for all their absent Members, by which somewhat extraordinary may be expected, tho' not yet transpired from their Cabinet, probably in support of their Claims expressed in their Resolutions now under the Royal Consideration. As the Packet sails this day, and it may be several days before they agree upon their Address, and it may not contain any thing new, I thought it needless to detain the Packet, as there will be Vessels sailing every day for England, by which I shall not fail to transmit an Account of their proceedings to your Lordship.

A Vessel this day from Porto Rico brings

accounts

accounts that on the 14th of December he went into that Island with a fleet of fourteen Transports with two Regiments on board, from Cadiz, but not conveyed thither by any Ship of War. Altho your Lordship may receive Accounts of this arrival from other Quarters. I hope your Lordship will pardon my making mention of it, as I think it my duty to repeat rather than rioque not giving the first intelligence of such Motions of an expected enemy. Also that at the little Dutch Island of Eustatia there are many small Privateers from twenty five to fifty men, that wait only for the declaration of War to furnish themselves with Spanish Commissions at Porto Rico to cruise against the English, and I cannot forbear adding that our Coast seems to be the most tempting as well as vacant Station for their Success.

I am with the greatest respect
My Lord
Your Lordships
Most obedient &
most humble Servt
Wm Bull

To the right honourable
the Earl of Hillsborough
his Majestys Principal Secr
of State for America at Whitehall

(Inclosure)

(Inclosure)

Lieut Govr Bulls Speech to the Council and Assembly dated January 16th 1771

B P R O Ad & I vol 227 fo 21

(24th January 1771)

Sir

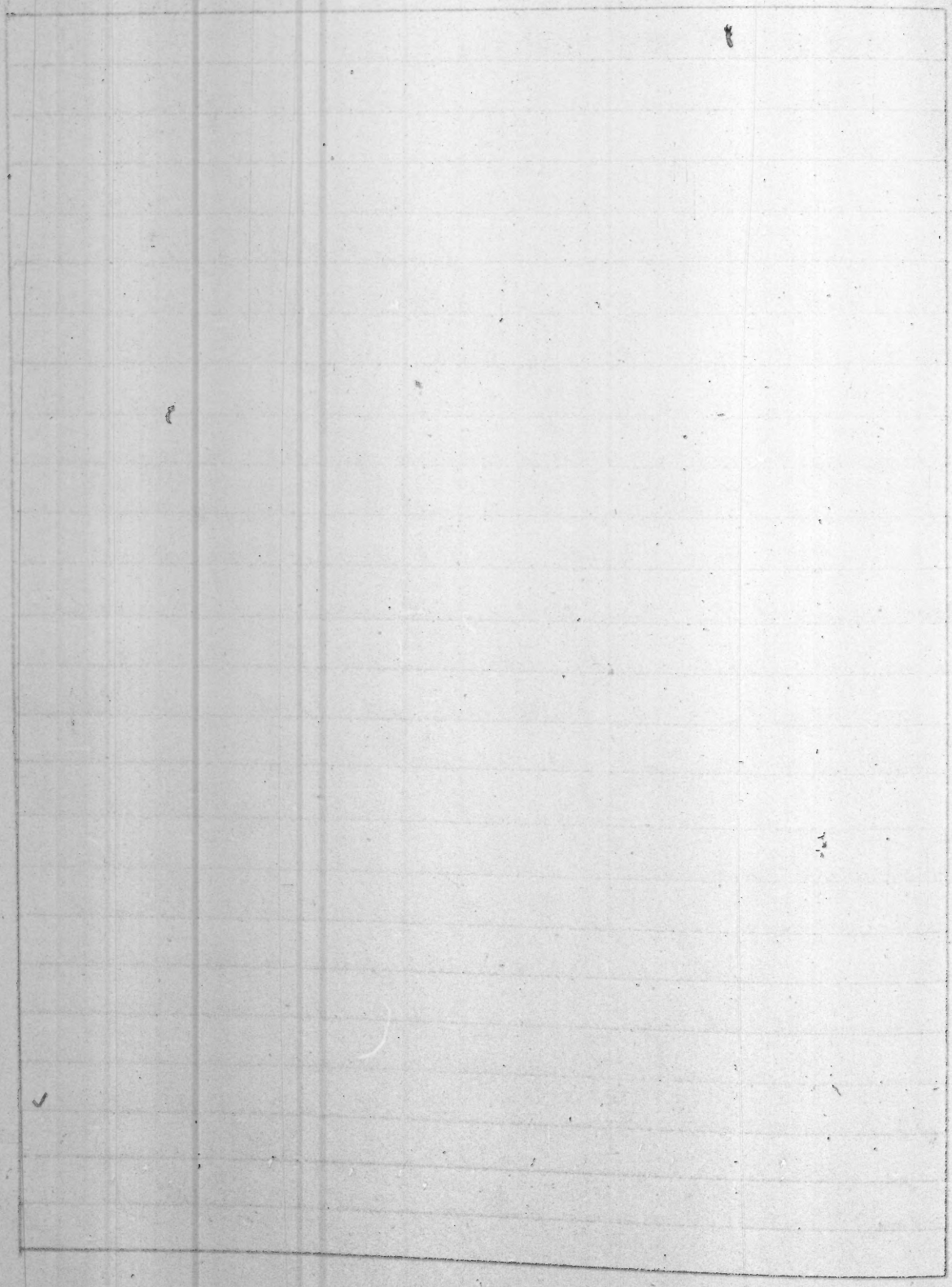
Having laid before My Lords Commrs of His Majestys Treasury a Letter from Governor Bull acquainting My Lords for the reasons stated in his said Letter he had thought proper to suspend the payment of a fine of Three hundred and fifty Pounds Currency levied upon one Gilbert Campbell who was found guilty of killing a Negroe in a sudden passion until His Majestys Pleasure is known thereupon, I am commanded by their Lordships to transmit the said Letter to You, and to acquaint You for the information of the Earl of Hillsborough that my Lords think the said fine should be remitted

I am

Treasury Chambers
24th January 1771

Sir,
Your most Humble Servant
John Robinson

John Pownall Esqr



B P R O A: W I Vol 227 N° 44 p 12

Whitehall February 11th 1771

Lieut Govr Bull

Sir

I have received and laid before the King your dispatches N° 37 & 38. and also your separate letter of the 30th of November

The King has been graciously pleased, upon your recommendation, to command me to signify to you His Majesty's pleasure, that the fine imposed upon Gilbert Campbell should be remitted, and you will therefore take such steps as are necessary and have been usual upon the like occasions.

I have the satisfaction to acquaint you that His Majesty has been graciously pleased to appoint Robert Knox Gordon Esqr Chief Justice & Edward Savage Esqr to be an associate Judge; These Gentlemen are Counsellors of Knowledge and experience in the Profession of the Law, and I have no doubt but they will acquit themselves, in the important stations to which they are promoted, in such a manner as to give satisfaction to His Majesty, and to the Colony, by a becoming and impartial administration of Justice. I hope before these Gentlemen leave England, I shall be able to lay

before

before His Majesty the Names of others properly qualified to complete the number of associate Judges for which provision is made by the Court Act, and in doing this I shall not fail to give attention to your repeated recommendation of Mr Murray.

I have also the Pleasure to acquaint you, that Mr Gordon is appointed a Member of His Majestys Council, and that His Majesty has been pleased to confer the same Honour upon your Relation Mr Williams Mrs Drayton.

Your separate Letter of the 30th Novr, containing a representation of the present state of Religion, Polity, Agriculture and Commerce, of the Colony, is equally pleasing & instructive, and I shall be very glad to have it in my power to improve, to the public advantage, the usefull hints it contains.

I am &c

Hillsborough

B P R O South Carolina Vol 29 p 435

(13th February 1770)

To the Kings most Excellent Majesty

May it please Your Majesty

There being several vacancies in Your Majesty's Council for the Province of South Carolina, and Robert Knox Gordon (Chief Justice of the said Province) and William Henry Drayton Esqr having been recommended to us, as persons well qualified to serve Your Majesty in that Station, We beg leave humbly to propose to Your Majesty, that these Gentlemen may be appointed of Your Majesty's said Council

Which is most humbly submitted

Whitehall
Feb 13. 1770

Soame Jenyns
Wm Ld Herbert
Greville
Thomas Whately

B P R O South Carolina B T Vol 23 P 34

(24th February 1771)

At the Court at St Jamess
the 24th Day of Febuary 1771
Present
The Kings most Excellent Majesty
in Council

Whereas there was this Day read at the Board a Representation from the Lords Commissioners for Trade and Plantations dated the 13th of this Instant Setting forth, That there are several Vacancies in His Majestys Council for the Province of South Carolina, and that Thomas Knox Gordon (Chief Justice of the said Province) and William Henry Drayton Esqr have been recommended to the said Lords Commissioners as Persons well Qualified to serve His Majesty in that Station— They therefore Humbly propose that these Gentlemen may be Appointed of His Majestys said Council— His Majesty in Council approving thereof is pleased to Order as it is hereby Ordered That the said Thomas Knox Gordon and William Henry Drayton Esquires be constituted and appointed Members of His Majestys said Council for the Province of South Carolina— And that the Right Honble the Earl of Hillsborough One of

His

His Majesty's Principal Secretaries of State do cause the usual Warrants to be prepared for His Majesty's Royal Signature Accordingly.——

Read Dec 12. 1772

Read Do 21

B. P. R. O. South Carolina B T Vol 23 Pa

Charlestown March 4th 1771

My Lords

By His Majestys Packet Eagle I have the Honor to transmit to Your Lordships the last half yearly list of Grants signed and a Copy of the Ordinance appointing Henry Peronneau and Benjamin Dart Esquires Joint Treasurers of this Province authenticated under the Broad Seal

I have the honor to be with the greatest Respect

My Lords

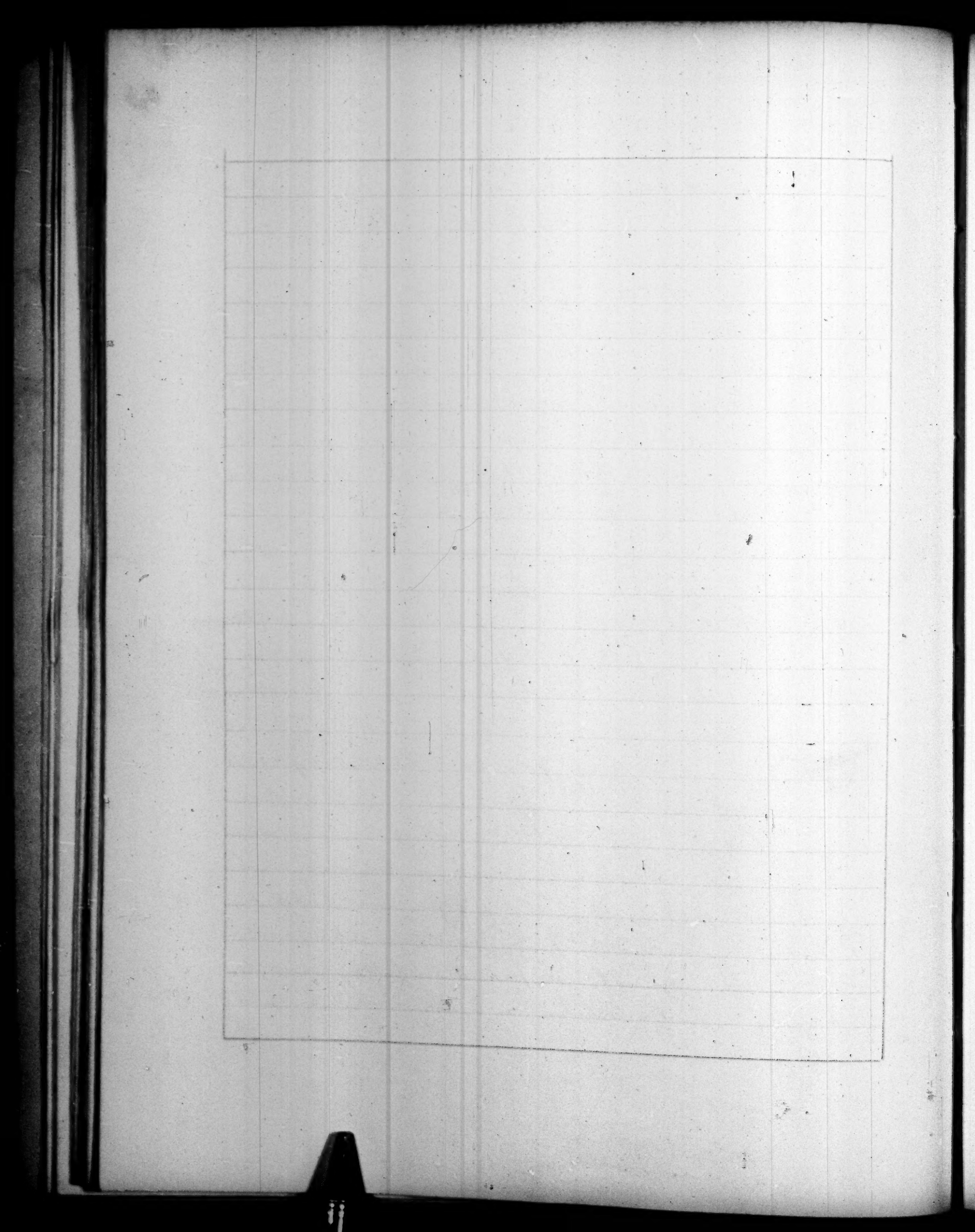
Your Lordships

Most Obedient &

most humble Servt

Wm Bull

To the right Honorable the Lords
Commissioners for Trade & Plantations
at Whitehall
Recd April 19 } 1771
Read Do }



B P R O South Carolina B T Vol 23 N° 43

Charles Town March 4th 1771

My Lord

On the 14th of last month by His Majestys Packet Eagle, I was honoured with a Duplicate of your Lordships Letter N° 11, and Circular dated Novem 11th and and Original of N° 12 and Circular December 11th with his Majestys Order in Council for the repeal of two Acts therein mentioned. On the next day I Published by Proclamation the Kings pleasure thereupon.

As the Act for exchanging £104,000 was passed by me I beg leave to inform your Lordship, that I considered it not as a new emission but merely the continuance of a former Act passed in 1748, which had exchanged Bills that had been formerly exchanged by an Act in 1731 And I the more readily gave my Assent to this, as I know of no disallowance signified on the former I am sensible no provision is made for sinking this money, and I believe the true State of it is not little known here, or Adverted to. If it will not Trespass too much on your Lordships time, I will lay before your Lordships what I have with some pains traced out relative thereto.

In 1723 An Act was passed for calling in and Sinking, by a fund established on Duties upon Goods imported,

all

all our Paper Bills issued under various Denominations,
and various necessities of the Province from the seige of
St Augustine in 1702 till that time, And the expence of
a Partyan Expedition by Land in 1724, and of fitting a
Vessel to protect our Coasts against Spanish Guarda Costa's
that insulted us, and no taxes having been raised in
1728 & 29 (on account of disputes between the Governor and
Assembly) with the Amount of monies unsunk left a Debt
on the Province of about £ 10 000, in the year 1730, at
which time his late Majesty was pleased to appoint Robert
Johnson Esqr Governor of this Province soon after his Majes-
-ty had purchased the Soil. Under such an happy change
of Situation, new hopes of prosperity excited the attention
of People to improve it, Among other things application
was made to his Majesty, and Governor Johnson received
an Instruction, to give his Assent to a Law for suspend-
-ing, during seven years, the operation of the above mention-
-ed Fund, on condition it were appropriated to the better
Strengthening this Province by encouraging Foreign Protest-
-ants to become Settlers here, which appears by the twenty
fourth and twenty fifth Clauses of our Quit rent Act.

The benefit of this appropriation was so great
to the Province and the Fund so easy to the People,
that at the expiration of the Term, it was continued

rather

rather sub silentio, than any express permission. And as the Bills exchanged in 1731 to the Amount of the 160 000 were obliterated and worn, in 1748 they were exchanged, and for the same reason again in 1764.

I beg leave further to observe to your Lordship that this branch of our Paper Currency was reported to the King (in consequence of an Address of the Honourable the House of Commons desiring a State of the American Paper Currency might be laid before them about the Year 1731) in its true state as having no fund established for sinking it, and so as well as I can recollect the only instance wherein the Province can be charged with breach of Faith.

I proceed now to lay before your Lordship the State of our disputes here respecting the Kings late Additional Instruction, and for that purpose have inclosed several Messages that have passed between the Assembly and me. The I fear the perusal of them will give more exercise to your Lordships Patience, than Satisfaction to your Judgment. I hope your Lordship will hold me excusable for not attempting the vain trouble of pursuing them thro their long laborious performances in which their mistakes are too obvious to need refutation, their prejudices too deep to be removed by reasoning

ing, while they build hopes of Success upon the dangers of our present situation, the Clamours of the Public Creditors, and the large sums due to several of his Majesty's Servants which are provided for only in Tax Bills; And they express in conversation, and in the Course of Debates, a determination (tho not resolved in form) not to raise any money even for years to come unless this Instruction is revoked. But your Lordship may be assured that their dependence upon exhorting a Compliance from the Governor and Council, as they have formerly done, on Account of Public necessity, or from the inconvenience his Majesty's Servants may suffer, will certainly fail them; And I think it a friendly wish to the province that the Assembly may never carry any point but reason here, and a respectfull Application to the Throne, where the Royal goodness is always ready to receive such Petitions, to redress their grievances and protect their rights. It is possible a new Assembly may pursue new measures, as many of the present seem tired and wish their Triennial Term were expired.

In obedience to the Kings Command signified to me by your Lordship I have acquainted his Majesty's Council that the becoming manner in which they have exerted themselves in support of his Majesty's measures is

honoured

honoured with his Majesty's approbation, and they have desired me to inform your Lordship in the most expressive terms, that the Kings approbation of their conduct fills them with the deepest Sentiments of Gratitude and animates them with firmness to support every measure that can demonstrate their Zealous attachment to his Majesty's Person and Government and I humbly intreat your Lordship will be pleased to lay before the King these warm assurances of their Affection and Duty to his Majesty.

It was with great satisfaction I was informed by your Lordship that Lord Charles Montagu was to embark soon after Christmas on his return to his Government, I accordingly daily expected him, but by his Majesty's Packet Swallow which brought your Lordships Dispatches № 43 & Duplicate of 42, I received a Letter from his Lordship dated December 26, which acquaints me that his departure from England would be early in the Spring. — As his Lordship comes fully instructed in what manner he is to conduct himself in the present crisis, It is not to be Doubted but his Lordships Address under such Advantage will have the good fortune to disperse the only remaining cloud which now disturbs the tranquility of this Province

I

I have the honor to be with the greatest respect

My Lord

Your Lordship's

Most obedient and

Most humble Servt

Wm Bull

To the right honourable
the Earl of Hillsborough
his Majestys Principal
Secretary of State for
America, at Whitehall

P S

I have not troubled yr Lordship with copies of the Messages referred to in the foregoing letter as the subject of them is by this time of no consequence wch I am persuaded yr Lordship will readily excuse.

B P R O Ar St I Vol 227 N 44

Charlestown March 5th 1771

My Lord

On the 27th of last month I gave my Assent to an Ordinance appointing Henry Peronneau and Benjamin Dart Esqrs joint Treasurers of this Province. The increase of business, the unexceptionable characters and the prevention of quarrels between the two Houses on this Point, rendered this measure of joint Treasurers expedient. I think proper to observe to your Lordship that in the condition of the Bond formerly given, after the words "pay and apply money to such uses as shall be directed by Acts of General Assembly" was added or orders and directions of the General Assembly" which words Warrant the practice of drawing monies by Resolution concurred to by the Governor Council and Assembly, and is almost equal to the validity of an Ordinance, but I thought it very necessary to alter that form in that point, and to confine it to Acts or Ordinances of Assembly only, as more safe and nearly approaching the Terms of the Kings late Additional Instruction. I have taken the liberty of Transmitting a Copy of the Bond given by Mr Dart, whose Securities all but three, are Members of the

Assembly

Assembly.

I have formerly mentioned to your Lordship that this mode of appointing our Treasurer is prescribed by a Law passed 20th September 1721 and is printed page 351, of the first volume of our Laws. Since which time the appointment of Treasurer has been invariably by ordinance of the General Assembly.

I have transmitted by this Conveyance a Copy of the said Ordinance authenticated under the Great Seal to the Plantation Office

I have the honour to be with the greatest respect

My Lord

Your Lordship's

Most dedient and

Most humble Servt

Wm Bull.

To the right Honorable the Earl of Hillsborough
His Majesty's Principal Secretary of State for
America at Whitehall

P S Rather than give your Lordship the Trouble of another Letter, I beg leave to add to this, that none of the Goals & Court Houses for the circuit Courts are yet finished, and consequently the earliest time of beginning their motion will be in Novemr next

(Inclosure to Lieut Gov Bulls Letter 6th March 1771)

Whereas the above bounden Benjamin Dart, by an Ordinance of the General Assembly of the said Province hath been Nominated & appointed Joint Public Treasurer of the said Province together with Henry Perronneau Esquire. And Whereas by the said Ordinance it is required, that the said Benjamin Dart & Henry Perronneau and every other Public Treasurer hereafter to be appointed shall before he takes upon him the Execution of his Office enter into Bonds in the Sum and under the Terms thereby particularly specified, to His Majesty his Heirs & Successours, for the due Execution of the said Office, to be approved of by the Governor or Commander in Chief of this Province & His Majesty's Council, And Whereas The Honourable William Bull Esquire Lieutenant Governour with the Concurrence of his Majestys Council of the said Province hath approved of the several Persons above named as Securities in behalf of His Majesty for the Purposes mentioned in the said Ordinance

The Condition thereof of the above Obligation is such, that if the above bounden Benjamin Dart shall & will henceforth well and faithfully execute on his part, the said office of Joint Public Treasurer from time

Time to Time, and at all Times during his Continuance in the said Office. And also shall & will truly & faithfully Satisfy Pay and Apply all such Monies as shall come to his Hands, by Virtue of any Act or Acts or Ordinance of the General Assembly heretofore made, or which shall hereafter be made as Joint Public Treasurer in such manner & to such uses as hath or shall be directed by such Acts or Ordinances of the General Assembly, And also if he the said Benjamin Dart his Heirs Exers & Admors shall & will well & truly pay to such Person or Persons as the General Assembly shall Nominate and appoint for that purpose, at the time of his being Divested of his Office by Death Removal or otherways, all such Sum & Sums of Money as he shall be then in Arrears Indebted or owing by him as Joint Public Treasurer aforesaid to the Public of this Province, then the above written Obligation shall be void & of none effect, or else shall abide & remain in full force and Vertue

Peter Manigault (LS) Robert Williams Junr (LS)
Chas Pinckney (LS) Miles Brewton (LS)
Saml Prioleau (LS) Henry Laurens (LS)

Daniel

Daniel Horry (L.S.) Wm Williamson (L.S.)
Willm Burrows (L.S.) Benj^a Guerard (L.S.)

Signed Sealed & Delivered
In Presence of
Jas Simpson
Thos Tarr Junior
} Benj^a Dart (L.S.)

South Carolina
Secretarys Office
} A true Copy taken from the Original & Examined. J. H. Murray pro Secretary

B P R O South Carolina B T Vol 29 fo 9

(27th March 1771)

To the Rt Hon.ble the Lords of the Committee of His Majestys most Hon.ble Priv.y Council for Plantation Affairs

My Lords.

In obedience to His Majesty's Order in Council of the 9th of December 1770. We have taken into Our consideration the humble Petition of Charles Garth Esq.r Agent of His Majesty's Colony of South Carolina, setting forth, that the Petitioner has received Commands from the Commons House of Assembly of the said Province, to express their grief and concern under an apprehension of having incurred His Majestys displeasure, manifested in a late additional instruction of the 14th of April 1770 to their Governor, which they most humbly conceive would not have taken place, had they known of the Representation transmitted, in time to have been heard and to have vindicated the Proceedings of the House before His Majestys Ministers previous to the issuing of such Instructions and therefore to implore His Majestys reconsideration of the said Instruction and humbly praying (for the reasons therein contained) that

that His Majesty will take the Premises into consideration, and be graciously pleased to withdraw the said additional Instruction, which now puts a full Stop to the Payment of the Publick Debts, and the necessary provision for the necessary Expences of Government, and that His Majesty will see cause to enjoin a Communication for the future of all such Representations, as may be intended to be sent from His Majesty's Governors, relating to the Proceedings of the House; in order that it may be prepared to answer, and to vindicate their Actions and Proceedings, thereby to prevent censure; and avert the Royal displeasure. Whereupon we beg leave to report to your Lordships

That, upon a full consideration of the several Matters set forth in the above Memorial, as likewise of what the Agent Mr Garth, (who has attended us in person thereupon,) had further to offer on the subject, we do not upon the whole see any sufficient reason to recommend to your Lordships to advise His Majesty to withdraw his Additional Instruction to His Governor of South Carolina of the 18th of April 1770, of which the Commons House of Assembly of that Province have thought fit to complain,

neither

neither can we think it proper and expedient for Your Lordships to advise His Majesty to comply with the latter part of the Petitioners Prayer by directing that His Governors of that Province for the future shall communicate to the said Commons House of Assembly all such Representations as they may see occasion to transmit, relative to the proceedings of that House

We are,

My Lords,

Your Lordships

most obedient and

most humble Servants

Soame Jenyns

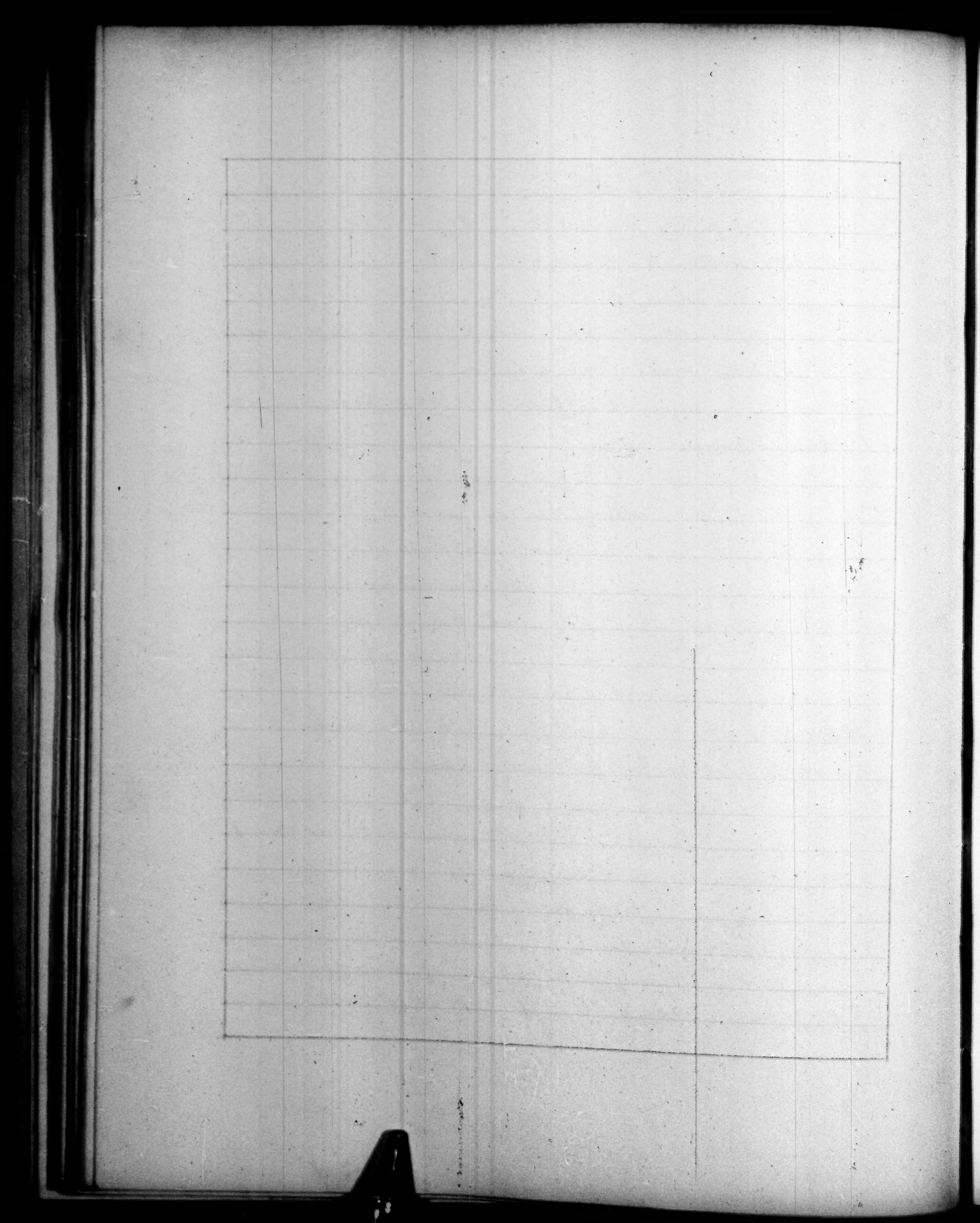
Edw Eliot

Wm Tilghurbert

Thomas Whately

Whitehall

March 27. 1771



B P R O A. W. I. Vol 227 A. 45 [illegible]

Whitehall April 1st 1771

Lieut Govr Bull.

Sr,

Your Letters A° 39 to 41 and 42 which have been laid before the King, do not contain anything that requires any particular observation, but as Lord Charles Montagu will embark very shortly for his Government, I cannot refuse myself the pleasure of taking this Opportunity to express to you the great satisfaction I have had in your correspondence, whether considered with regard to the punctuality of it, or to the candour of the representations, the judiciousness of the observations, and the precision of the informations contained in it, and I have the farther pleasure of being able to assure you that the King sees your conduct in a favourable light

I must not omit to congratulate you upon the return of so considerable a part of the Inhabitants of South Carolina to a just sense of their duty, and a due submission to legal authority during your Administration which is a peculiar honour to it.

I have already informed you of the appointment of Counsellor Gordon to the office of Chief Justice, and of

of Counsellor Savage to that of second Assistant Judge, since which time His Majesty has been pleased to appoint Mr Charles Matthews Cosslett, who is also a Counsellor at Law, and has practised some years at the Bar, to be third Assistant Judge; and Mr John Murray whom you recommended in both your Letters upon the Subject of the Judges as a very proper person to be one, and who has also the patronage of my Lord Chief Justice Mansfield, to be fourth Assistant Judge. The remaining vacancy will be filled up as soon as possible and I trust the Colony will then have such a Bench of Judges as will give great satisfaction to His Majesty's Subjects in South Carolina, and evince the utility of the Provision the Province has made, which however is too scanty for the Importance of the Service.

Mr Garth having, as Agent for South Carolina, presented to the King a Petition praying that the Additional Instruction of the 15th April 1770 might be withdrawn, and that the Governor might be directed to communicate to the Assembly all such Representations as he should think fit to make respecting their Proceedings, it has been referred to the consideration of the Lords Commissioners for Trade and Plantations, who after hearing what Mr Garth had to offer, have represented their Opinion that neither one or other of those Requests ought to be complied with.

I am &c. Hillsborough

B P R O A & W I Vol 227 No 45 p 107

Charlestown April 2d 1771

My Lord

I have the Honor to acquaint your Lordship that on the 21st of last month I gave my assent to a Bill to encourage the raising Tobacco & Wheat flower in this Province, and to another for establishing several Roads and Ferries, and to an Ordinance for appointing George Sheed Esquire Commissary general of this Province an office of little consequence. The Assembly then desired my leave to adjourn till the latter end of July, but as my daily expectation of the arrival of Lord Charles Montagu on his return to his Government with the apprehensions of an impending war, could not in prudence admit of a long recess in our present Situation, I refused that request & signified that I would give leave to adjourn to the 7th of May to which time they accordingly adjourned.

As there is nothing extraordinary in these Bills more than their Titles import, I shall not trouble your Lordship with any observations upon them, especially as I send copies of them to the Plantation Office by the Packet, as well as of the Journals of the Council and Assembly.

Mr

Mr Leigh his Majesty's Attorney General having departed from this Province for England in pursuance of his Majesty's gracious leave for that Purpose, I have appointed James Simpson Esqure to that office during Mr Leighs absence. Mr Simpson was Judge of the Court of Vice Admiralty here, which he has resigned as incompatible with his new Appointment. From the Attachment which he has shown to his Majesty's Person & Govern[t] and having kept himself free from all unconstitutional prejudices in the late unhappy times and from his behaviour in his late office, I am perswaded he will discharge the duty of this important office with diligence fidelity & ability

I have the Honor to be with the greatest respect

My Lord

Your Lordships

Most obed[t] & most humble Serv[t]

Wm Bull

To the right Honble the Earl of Hillsborough
his Majesty's Principal Secretary of State
for America, at Whitehall

B. P. R.O South Carolina B T Vol 29 p 443

(24th April 1771)

To the Rt Honble the Lords of the Committee of His Majestys most Honble Privy Council for Plantation Affairs

My Lords

Pursuant to your Lordships Order of the 21st of December 1769 We have taken into Our Consideration several Papers transmitted by the Governors of His Majestys Provinces of North Carolina & South Carolina to the Earl of Hillsborough, one of His Majestys principal Secretaries of State, relative to a Boundary Line proposed to be run between the said Provinces.

We have also taken into our consideration a Memorial presented to us by Charles Garth Esq. Agent for the Province of South Carolina, on the subject of the said Boundary Line, & having upon this occasion been attended by the said Agent, as also by the Agent of the Province of North Carolina, and heard what they had to offer, we beg leave to propose to your Lordships

That the Governor of each of the said Colonies respectively should be instructed, that each Government do appoint Commissioners to continue the Boundary Line

line from the Salisbury Road where it now enters the Catawba Lands, from thence along the Southern, Eastern and Northern Boundary of the said Lands, to where the Catawba River enters the said Lands on the north from thence to follow the middle stream of that River northerly to the confluence of the northern and Southern Branches thereof, and from thence due west, until it reaches the Line agreed upon with the Cherokee Indians, as a boundary between their Country & the Settlements of His Majestys Subjects; & that it should be further declared, that it is His Majestys Pleasure, that the Line beginning at the Sea 30 miles distant from the Mouth of Cape Fear River on the South West thereof, following the direction in which it has been already run out and marked, as far as the Salisbury Road near the Catawba Lands, and as now proposed to be continued from the Station Point on that Road to the Cherokee Line in the manner above mentioned, shall be the final Boundary between the said Provinces of North Carolina and South Carolina. We are, My Lords, Your Lordships most obedient and most humble Servants

Whitehall
April 20. 77

Soame Jenyns John Roberts, Ireville
H. Fitzherbert Thomas Whately

B P R O South Carolina B T Vol 29 p 1147

(26th April 1771)

To the Kings most Excellt Majesty

May it please Your Majesty

There being two Vacancies in your Majesty's Council for the Province of South Carolina, Barnard Elliot and David Deas Esquires having been recommended to us, as persons well qualified to serve Your Majesty in that Station, We beg leave humbly to propose to your Majesty, these Gentlemen may be appointed of your Majesty's said Council

Which is most humbly submitted

Hillsborough

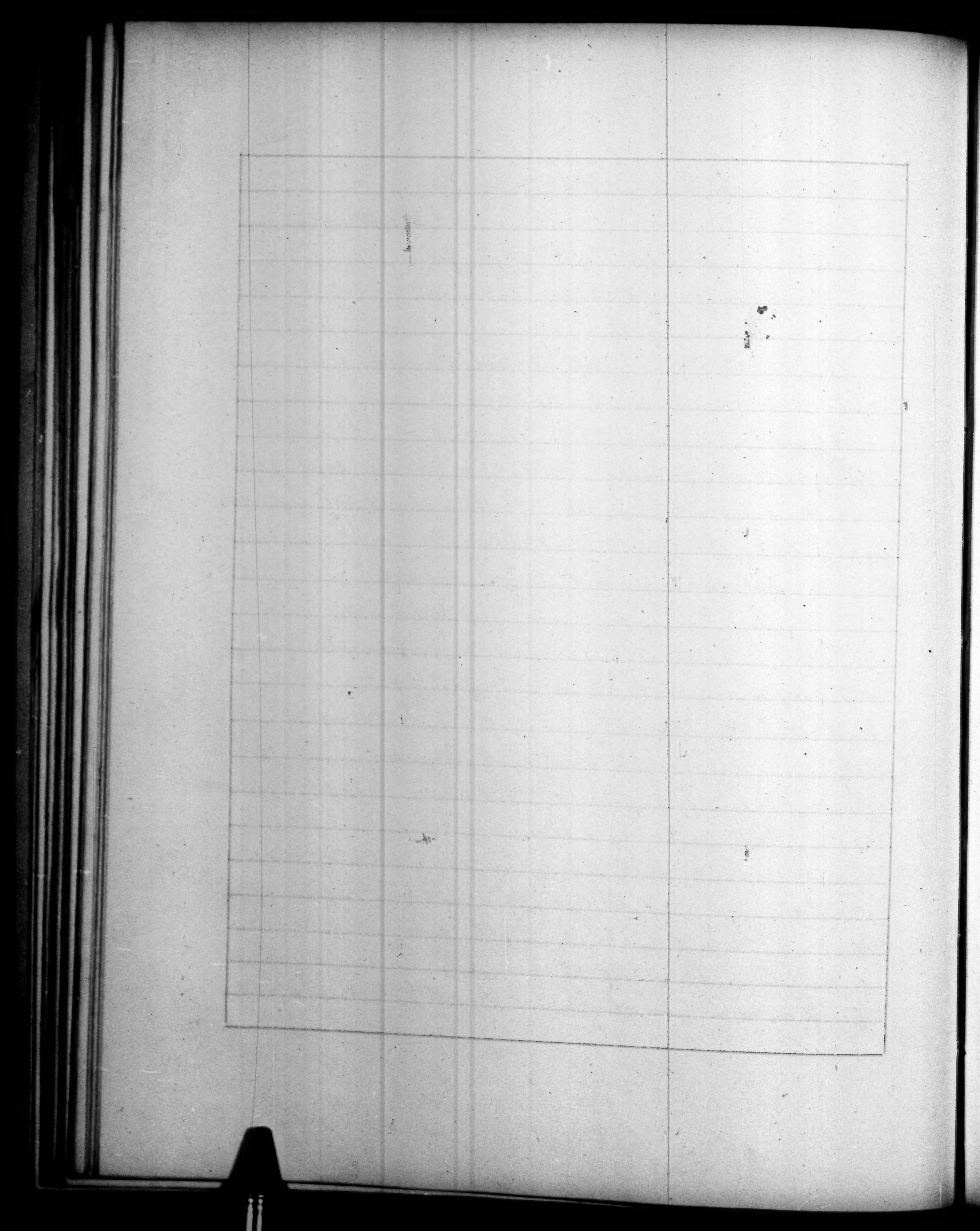
Soame Jenyns

Ed Eliot

Wm Sclyhurst

Grenville

Whitehall
April 26 1771



B P R O South Carolina B T Vol 29 F 36

(1st May 1771)

At the Court of St James's
the 1st day of May 771
Present
The Kings most Excellent Majesty
in Council

Whereas there was this Day read at the Board a Representation from the Lords Commissioners for Trade and Plantations Dated the 31st of last Month, setting forth, that there are 6 Vacancies in His Majesty's Council for South Carolina, & Barnard Elliot and Daniel Deas Esquires having been recommended to the said Lords Commissioners as persons well Qualified to serve His Majesty in that Station; they therefore humbly propose that these Gentlemen may be appointed of His Majesty's said Council — His Majesty in Council approving thereof is pleased to Order, as it is hereby Ordered, that the said Barnard Elliot and Daniel Deas Esquires be constituted and appointed Members of His Majesty's said Council for the Province of South Carolina — And that the Right Honourable the Earl of Hillsborough one of His Majesty's Principal Secretaries of State do cause the usual Warrants to be prepared for

for His Majesty's Royal Signature

B P R O Ad M I Vol 227 A 46

Whitehall May 4th 1771

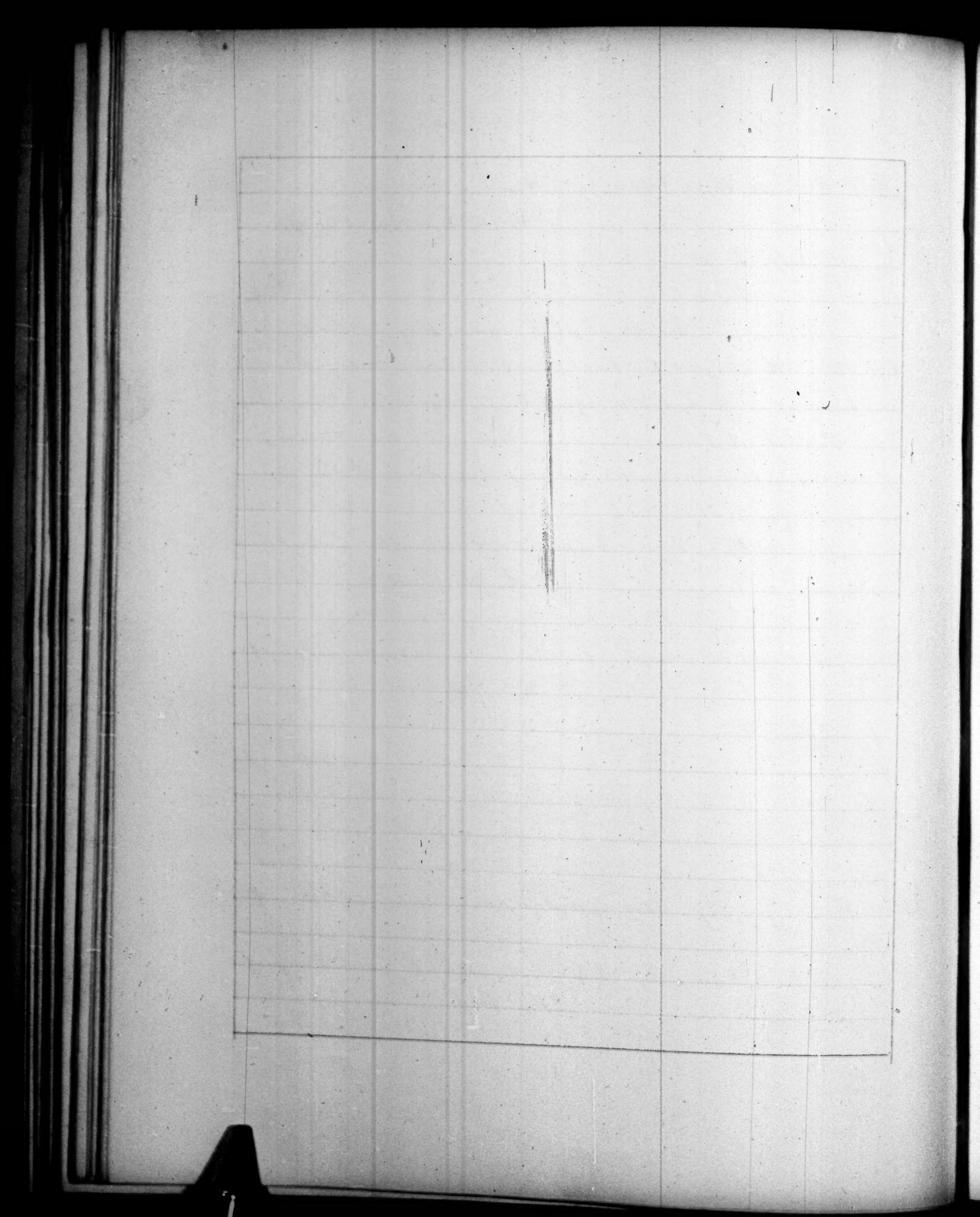
Lieut Govr Bull.

Sir

As the Ship appointed to carry Lord Charles Montagu to his Government, is not yet in readiness, I take the Opportunity of the Return of the Packet to acquaint you, that I have received your Dispatches numbd 43 and 44, and have laid them before the King.

I am &c.

Hillsborough



B P R O Ad Vt I bol 227 No 116 p 161

Charlestown 7th May 1771

My Lord

By the Sandwich Packet on the 27th of last month I received the Honour of your Lordships Circular Letter dated the 22d of January. I beg leave to present my acknowledgment of thanks for the communication, and my congratulation upon the happy event of the Spanish Ambassador Prince Masserano's declaration, whereby the King of Spain disavows the Expedition against his Majesty's Settlement of Falkland Islands, and engages to restore the Port and Fortress to his Majesty, which his Majesty has been graciously pleased to accept of. Thus our apprehensions of war are at an end, and the desirable continuance of Public Tranquility effected on such Terms by the firmness and wisdom of his Majesty, as have preserved the Honor and rights of his Crown to the satisfaction of his People, and must be particularly acceptable to this weak Province, whose prosperity cannot but be greatly interrupted by any interruption of Peace

I have the Honor to be with the greatest respect

My Lord

Your

Your Lordships
most obedient &
most humble Servant
Wm Bull

To the right Honorable the Earl of Hillsborough
his Majesty's Principal Secretary of State
for America at Whitehall

B P R O A & W I Vol 227 N° 47

Charlestown May 4th 1771

My Lord

I am honoured with your Lordships letter N° 44, and beg leave to present the humble thanks of Gilbert Campbell for your Lordships humanity in obtaining the Royal leave to remit his fine, which was immediately compleated.

Your Lordships Attention to and success in providing an able Chief Justice has rendered a most important Service to this Province, and demands my most sincere Acknowledgments. Suitable Associates will give weight to that Bench in Town and Command respect and a ready obedience among the uncultivated Settlers on the first going of the Circuits, Permit me my Lord to return my thanks to your Lordship for your Lordships Remembrance of Mr Murray, who by his application to books in endeavouring to improve his knowledge of the Law, and I hope will prove an agreable Associate tho not an adept

His Majesty's Council in this Province will be happy in the Assistance which Mr Chief Justice Gordon will afford in matters of State as well as Law at that Board and I beg leave to return my humble

thanks

thanks to your Lordships for the mark of Honour his Majesty has been pleased to confer on Mr William Henry Drayton by appointing him to that Board as which I hope he will always discharge his duty to the King and never forget his obligations to your Lordship for your polite attention to him

Things with regard to the Assembly remain in the same state and suspence until the arrival of Lord Charles Montagu from the circumstance of the Le despencer Packet which sailed the 19th of March bringing no Public Dispatches I conclude they are delivered to his Lordships hand, and I now daily expect to see his Lordship; I therefore yesterday thought proper to Prorrogue the General Assembly to the third day of June that his Lordship may have a little time to consider wether it may be expedient to permit them then to sit, to prorogue or dissolve them, as it may be most conformable to the Instructions with which his Lordship is honoured at this critical juncture

I have the Pleasure to acquaint your Lordship that I am this week sending a large Parcel of Vines lately arrived from the Island of Madeira to Hillsborough & Londonborough Townships in

in this Province.

Permit me my Lord with the most unfeigned gratitude to present my thanks to your Lordship for that favourable Attention with which your Lordship hath been pleased to honour my humble Endeavours for the Service of his Majesty and this Province while the Administration of the Government hath remained in my hands.

I have the honour to be with the greatest respect

My Lord

Your Lordships

most obedient &

most humble Servt

Wm Bull.

To the right honourable the Earl of Hillsborough
his Majestys Principal Secretary of State for
America at Whitehall

B. P R O South Carolina B T Vol 29 p 441

(29th May 1771)

To the Right Honble the Lords of the Committee of His Majesty's most Honble Privy Council for Plantation Affairs

My Lords

Pursuant to your Lordships order of the 20th instant, We have prepared and herewith beg leave to lay before your Lordships Draughts of additional Instructions to the Governors of His Majestys Provinces of North Carolina and South Carolina conformable to the Directions of the said Order.

We are

My Lords,

Your Lordships

most obedt and

most humble Servants

Hillsborough

Soame Jenyns

Wm Eden

Grenville

Thomas Whately

Whitehall
May 29th 1771

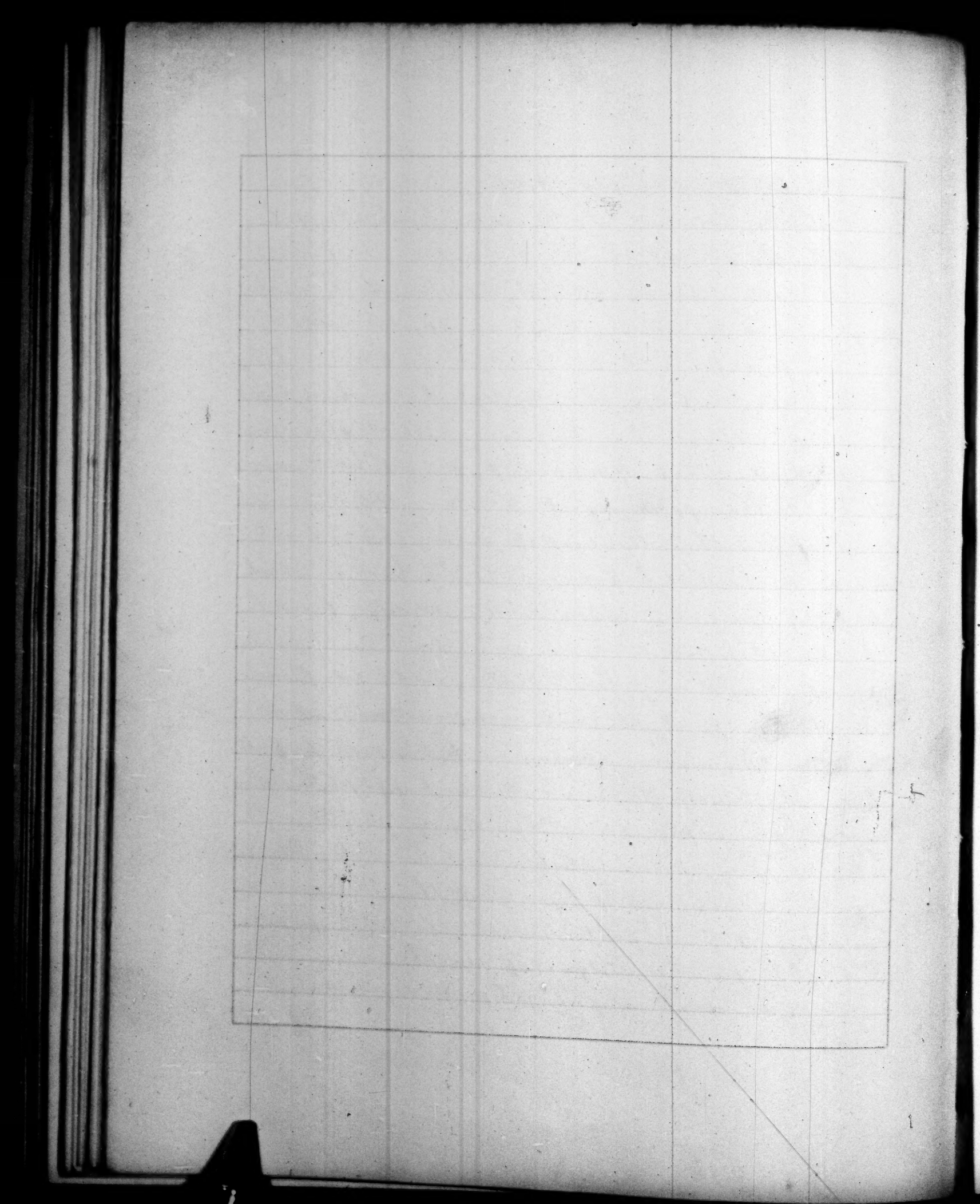
Additional Instruction to Our Trusty and Wellbeloved Charles Greville Montagu Esquire, commonly

commonly called Lord Charles Greville Montagu, Our Captain General and Governor in Chief in and over Our Province of South Carolina in America.

Given

Whereas We thought fit, in consequence of Representations made to us, that great Disputes had arisen, and much Mischief and Confusion had ensued amongst Our Subjects on the Frontiers of North Carolina and South Carolina from the want of a certain known Line of Jurisdiction between the said Provinces, to direct by our Royal Instructions to the Governor of Our said Provinces in the Year 1763, that a Line should be run out in the manner therein prescribed, in consequence whereof a Line hath accordingly been run out, and marked by Commissioners appointed for that purpose, as far as the Salisbury Road near the Catawba Lands, Now it is Our Will and Pleasure, and you are hereby authorized and required to appoint Commissioners to proceed, jointly with Commrs to be appointed by our Governor of North Carolina, in continuing the Boundary Line from the said Salisbury Road, where it now ends, along the said Road to where it enters the Catawba Lands, from thence along the

the Southern, Eastern, and Northern Boundary of the said Lands, to where the Catawba River enters the said Lands on the North; from thence to follow the middle Stream of that River northerly to the confluence of the Northern and Southern branches thereof, and from thence due West, until it reaches the Line agreed upon by the Cherokee Indians, as a Boundary between their Country, and the Settlements of Our Subjects, And it is Our further Will & Pleasure, that the Line beginning at the Sea, thirty miles distant from the Mouth of Cape Fear River, on the South West thereof following the Direction in which it hath been already run out & marked, as far as the said Salisbury Road near the Catawba Lands, and as it is hereby directed to be continued from the Station point on that road to the Cherokee Line in the manner abovementioned, shall be the final Boundary between Our said Provinces of North Carolina and South Carolina.



B P R O Ar H I Vol 227 N° 48

Charlestown June 3d 1771

My Lord

On the 29th of May I received the Honor of your Lordships Letters Duplicate of N° 44 and original of 45.

Upon receiving his Majestys Royal Mandamus I immediately issued a Commission for Chief Justice to Mr Gordon and of Assistant Judge to Mr Savage who had the opportunity of Publishing them in a Court of Common Pleas sitting on an adjournment on the 3d instant. And I this day have admitted Mr Chief Justice Gordon into his Majestys Council of this Province.

I beg leave to express the grateful sense I entertain of the Royal Goodness in providing through Your Lordships indefatigable Attention to that important Object such able men to preside in our Courts of Justice whereby the lives & properties of his Majestys Subjects will be so happily secured that industry will be encouraged and the real prosperity of the Province promoted, and is a fresh instance of the Kings paternal Care for the Welfare of this Province.

I intreat your Lordship to lay me at his Majestys

Majestys feet with my most humble thanks for the favourable light in which his Majesty has been graciously pleased to view my honest and Zealous, tho weak, endeavours to serve his Majesty which amply reward any hour of fatigue or anxiety which have attended my Administration of the Government under various difficult and disagreeable conjunctures.

I have the honour to be with the greatest gratitude and truth and respect,

My Lord

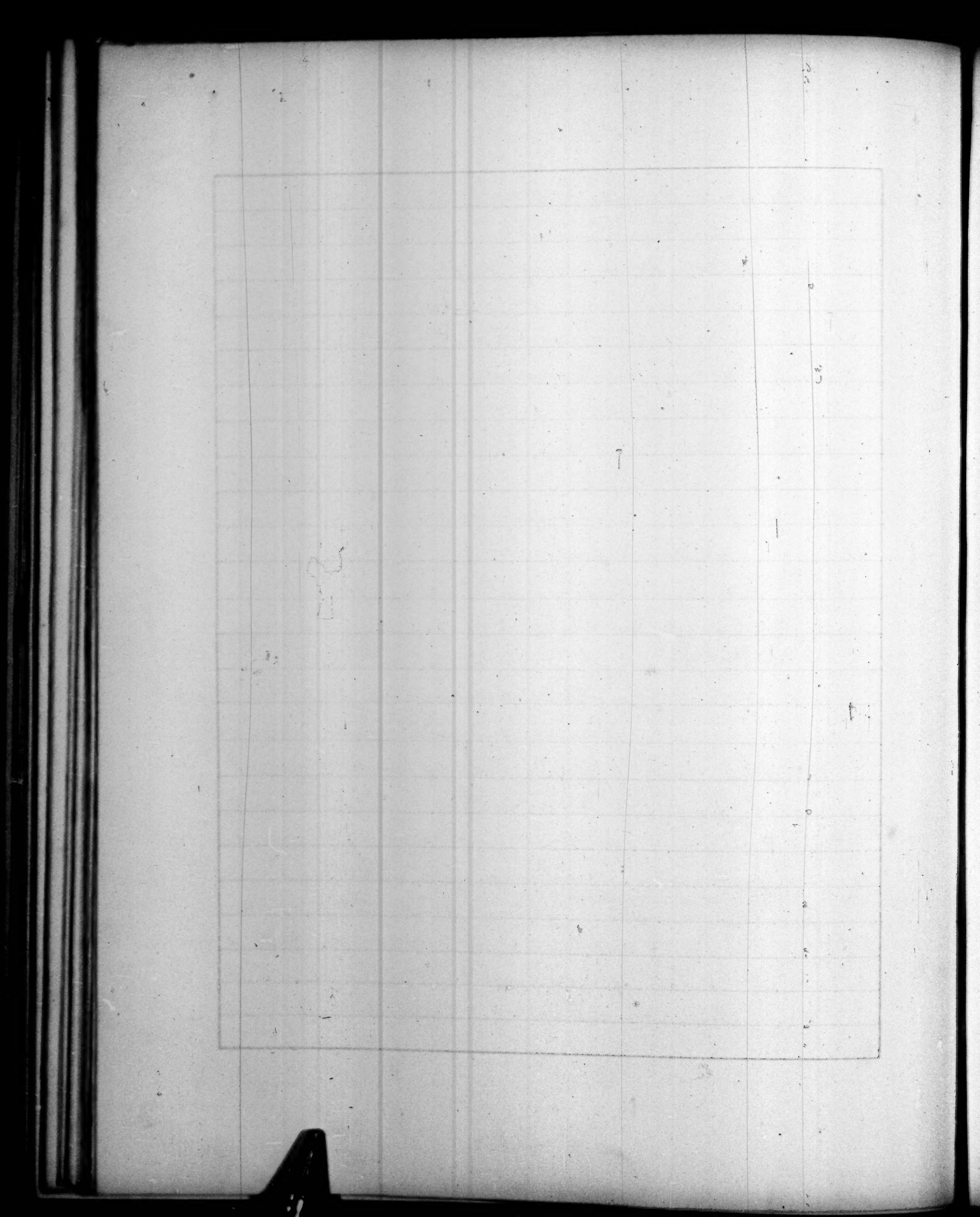
Your Lordships

most obedient &

most humble Servant

Wm Bull

To the right honourable the Earl of Hillsborough his Majesty's Principal Secretary of State for America at Whitehall



B P R O South Carolina B T Vol 23 P 36

(7th June 1771)

At the Court of St James's

the 7th day of June 1771

Present

The Kings most Excellent Majesty

in Council

Whereas there was this Day read at the Board a Report from the Right Honble the Lords of the Committee of Council for Plantation Affairs, Dated the 25th of last Month in the Words following Vizt

Your Majesty having been pleased by Your Order in Council of the 9th of December 1770 to direct the Lords Commissioners for Trade and Plantations to consider of and Report to this Committee their opinion upon a Petition of Charles Garth Esquire Agent of Your Majestys Colony of South Carolina, Setting forth, the Petitioner had received Commands from the Commons House of Assembly of the said Colony, to express their Grief and concern under an apprehension of having incurred Your Majestys displeasure, manifested in a late Additional Instruction of the 14th of April 1770 to their Governor, which they most humbly conceive would not have taken

place

place had they known of the Representation Transmitted, in time to have been heard, and to have vindicated the proceedings of the House before Your Majesty's Ministers, previous to the issuing of such Instruction, and therefore to implore Your Majesty's Reconsideration of the said Instruction, & humbly praying for the Reasons therein contained that your Majesty would take the premises into consideration; and be graciously pleased to withdraw the said Additional Instruction, which now puts a full stop to the payment of the public Debts; and the necessary provision for the Expences of Government & that Your Majesty would see cause to Enjoin a Communication for the future of all such Representations as may be intended to be sent from Your Majesty's Governors relating to the proceedings of the House in order that it may be prepared to answer and vindicate their Actions and proceedings, thereby to prevent Censure and avert the Royal Displeasure; and the said Lords Commissioners having accordingly Reported to this Committee that upon a full Consideration of the several matters set forth in the above Memorial as likewise of what the Agent Mr Garth (who had attended them in person

thereupon)

thereupon; had further to offer on the Subject, they did not upon the whole see any sufficient Reason to advise Your Majesty to withdraw your additional Instruction to the Governor of South Carolina of the 14th of April 1770 of which the Commons House of Assembly of that Province have thought fit to Complain, neither can they think it proper and Expedient to advise Your Majesty to Comply with the latter part of the Petitioners Prayer by directing that Your Governors of that Province for the future shall Communicate to the said Commons House of Assembly all such Representations as they may see occasion to transmit relative to the proceedings of that House.— The Lords of the Committee having taken the same into Consideration, and concurring in Opinion with the said Lords Commissioners for Trade and Plantations, do agree humbly to Report that it may be advisable for Your Majesty to dismiss the said Petition of the Agent of South Carolina.

His Majesty taking the said Report into Consideration was pleased, with the advice of His Privy Council to approve thereof: and to Order that the said Petition of the Agent of the Province of South Carolina, be, and it

is hereby dismissed this Board.

B P R O South Carolina B T bd 29 Pt

(13th June 1771)

To the Right Honourable the Lords Commissioners for Trade and Plantations

May it please Your Lordships

In humble obedience to your Lordships Commands signified to me by Mr Pownall I have perused and considered sixteen Acts passed by the Lieutenant Governor Council and Assembly of South Carolina in the years 1770 and 1771 Intitled

'An Act for building a Powder Magazine at Hobcaw 'point and another on Charles Town Neck and for 'other purposes therein mentioned'

'An Act to encourage the making of Flax Linens 'and Thread in this Province'

'An Act for reviving and continuing the several 'Acts therein mentioned and repealing part of the seventeenth Clause of an Act commonly called the General 'Duty Act, which imposes a Duty on all Molasses imported in this Province'

'An Act for repealing an Act intitled, An Act 'for appointing Commissioners to build a Bridge over the 'Pond in the four hole Swamp commonly called Gibbs 'Pond and to lay out and make and keep in repair a

Road

'Road to and from the said Bridge as convenient
'as may be in the Orangeburgh Old Road from the
'Head of the said path leading from Dorchester to
'Iyards Cowpen and for authorizing and impowering the
'Board of Commissioners of the Roads for the Parish
'of Saint George Dorchester to lay out make and keep
'in repair the Road mentioned in the said Act'

'An Act for establishing a Ferry over Broad River
'at the Lands of Marlen Scheurer also a Ferry over Saludy
'River at the Lands of Charles Carson and for appoint-
'ing Commissioners to lay out make and keep in Repair
'several Road thereon mentioned'

'An Act for establishing a Ferry over Saludy River
'at the Lands of Robert Cunningham and also another
'Ferry over Savannah River opposite to Augusta in Geor-
'gia, and appointing Commissioners to lay out make and
'keep in repair several Roads leading thereto'

'An Act for a Fish Market and for preserving the
'Lamps in Charles Town'

'An Act for vesting a Ferry over Sampit River
'from George Town to the opposite Shore leading towards
'Charles Town in William Allston his Executors Admin-
'istrators and Assigns for a Term of Years'

'An Ordinance to appoint Mr Jacob Deveaux Country
Waiter

'Wailer for the Port of Beaufort Port Royal'

'An Act for establishing a Chapel of ease in Edists 'Island in the Parish of Saint John Colleton County 'and also a Chapel of Ease in the upper part of the 'Parish of Saint John Berkley County and for obliging 'the Rector or Ministers of the respective Parishes to 'perform Divine Worship in the said Chapels'.

'An Act for vesting a Ferry from Charles Town to 'Hobeau and Scotts Ferries in Andrew Hebon for the 'Term therein mentioned'

'An Act for laying out and establishing several 'new Streets in the North West parts of Charles Town, 'and for Building a new Parsonage House for the 'Parish of Saint Philip Charles Town, and for other 'purposes therein mentioned'

'An Act for establishing a Road from Orangeburgh 'Bridge to Indian Head, a Road from the Indian Head 'to the Road which leads from the Ridge to Augusta 'another Road from the Ridge Road to long Cane 'Creek, another Road from long Cane Creek to Great 'Rocky Creek, and another Road from great Rocky 'Creek to Mountain Creek near Cuffa Town, and for 'declaring the Road from Robert Goudys at Ninety six 'to the Ridge and from thence to the Road to Load

'from

'from the Indian Head to long Cane a Public Road.'

'An Ordinance for appointing Henry Peronneau 'and Benjamin Dart Esqr Joint Public Treasurers of this 'Province;'

'An Ordinance for appointing George Shad Esqr 'Commissary General of this Province;'

'An Act for regulating the Inspection and Export 'ation of Tobacco and Flour, and for granting a Boun 'ty on Flour.'

And I am humbly of Opinion, That the same are proper in point of Law.

I have also perused and considered An Act passed in the same year 1770 Intitled 'An Act for Stamping 'and issuing the Sum of Seventy Thousand Pounds for 'defraying the expence of building the several Court Houses 'and Goals appointed to be built in the several Districts 'in this Province and for other purposes therein mentioned;'

Which Act appears to be Similar to an Act of the Assembly of New York disallowed two years ago by his Majesty in Council not to fall within the same Reason, inasmuch as it directs the Treasurer of the Colony to receive the Bills of Credit issued by the Act in Pay ment of Publick Taxes.

I have also perused and considered one other

Act

Act passed in the Year 1771 Intitled "An Act for empower-
ing the Commissioners of the High Roads for the Parish
of Prince George to lay out and make a new Causey over
Lynches Island; And to Establish a Ferry from the Plan-
tation of John Coydill on Waccamaw to George Town."

This Act is liable to two Objections, the first that it empowers the Commissioners to determine which of the Inhabitants of the Parish of Prince George, shall at their labour and expence make and keep in repair the Road therein mentioned. The Second that it repeals an Act that appears to have vested Ferries in Persons therein named without providing any Compensation for them, yet with great submission to Your Lordships opinion, these Objections seem hardly sufficient to condemn an Act of evident Public Utility as the Law would I conceive provide a remedy in the Case of Manifest Partiality of the Commissioners, and as the Ferries suppressed would palpably have been rendered of little Value by the Erection of the new ones, under a Power which the Assembly always reserves to themselves.

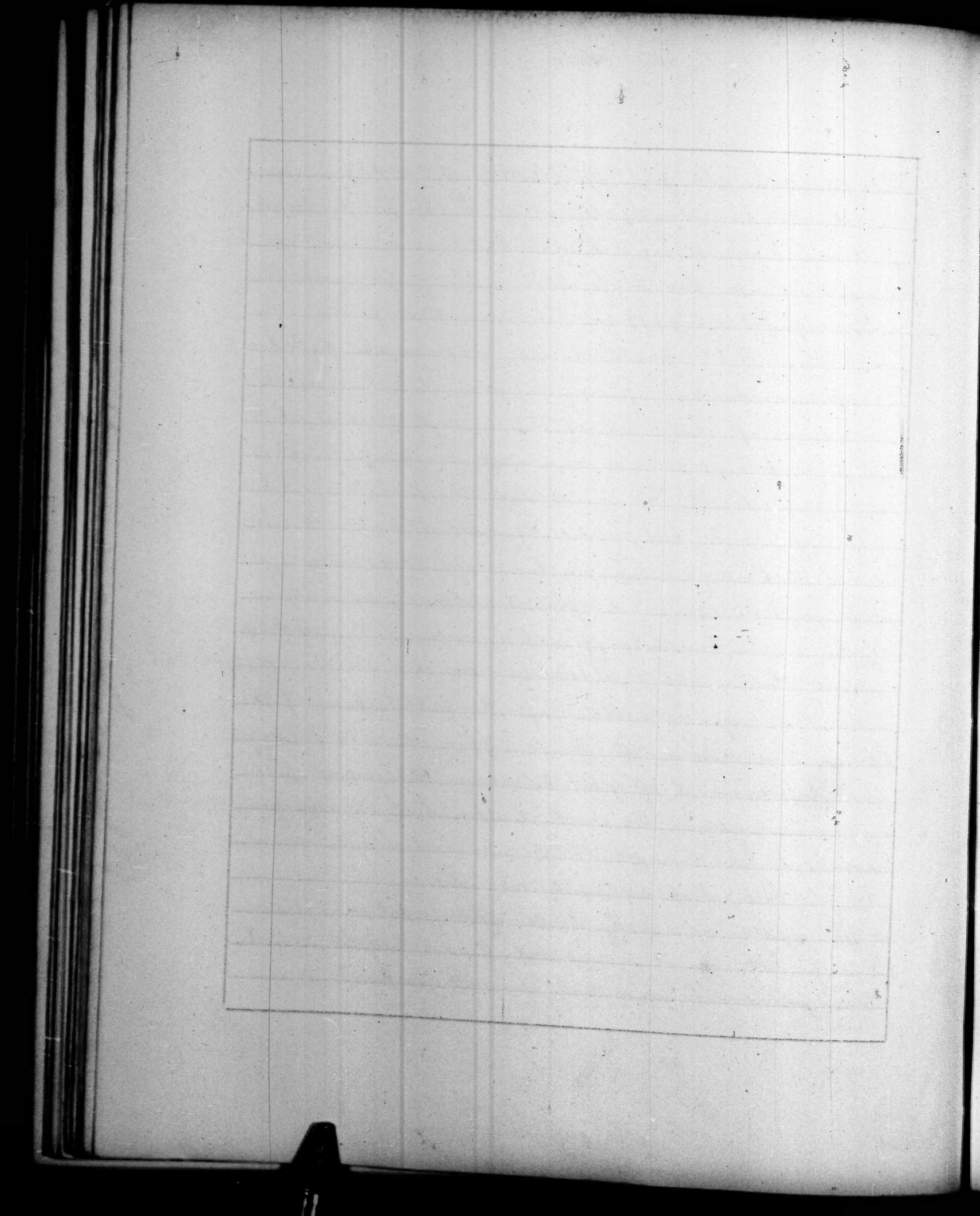
All which is humbly submitted by

My Lords, Your Lordship's

most obedient, most humble Servant

R. Jackson

13 June 1771
Recd June 18th } 1771
Read June 19th }



B. P. R. O. South Carolina B. T. Vol 29 p. 402.

(21st June 1771)

To the Kings most Excellent Majesty

May it please Your Majesty

We have had under our consideration Two Acts passed in Your Majesty's Province of South Carolina, in April 1770, intituled

An Act for stamping and issuing the Sum of Seventy thousand Pounds for defraying the expence of Building the several Court Houses and Goals appointed to be built in the several Districts in this Province; and for other purposes therein mentioned

An Act to encourage the making of Flax, Linnens, and Thread in this Province

Whereupon We humbly beg leave to represent to Your Majesty.

That by the first of these Acts Commissioners are appointed for preparing, stamping and signing Draughts or orders equal to the Sum of Seventy thousand Pounds Current money of that Province, in order to defray the expences incident to the Services stated in the Title of the Act; and it is declared, that these Draughts or orders shall pass in payment of

of all Duties and Taxes to the Treasurer for the value therein expressed, which Provision is, We humbly conceive, exactly similar to that Clause in an Act passed in the Province of New York in 1770, for establishing a Paper Currency in that Province, which was adjudged by Your Majesty in Council to be a Contravention of the Act of Parliament of the fourth year of your Majesty's Reign, "for restraining Paper Bills of Credit in the Colonies as a legal Tender", and upon which the Act was disallowed by your Majesty.

That the second of these Acts, besides giving Bounties on Flax, an encouragement which, is not only proper but commendable, gives a Bounty also of thirty Pounds for every hundred weight of Linen made in the Colony, which being a Manufacture of this Kingdom we cannot but be of Opinion, that the establishment of it in the Colonies ought in sound Policy to be discouraged as much as possible

For these reasons We are humbly of opinion, that both the Laws abovementioned ought to be disallowed.

Which is most humbly submitted

Whitehall
June 21 1771

Hillsbrough
Ed Eliot
John Roberts
Wm Sidgherbert

B P R O Ar Yr I Vol 227 N 49

Charlestown July 9th 1771

My Lord

As nothing new has occured in the Situation of our Public Affairs since my last I am only to acknowledge the honor of your Lordships letters N 45 duplicate & original of N 46, & that I have received from Mr Secretary Pownal a Packet containing twelve pamphlets giving full & exact accounts of the process used in making Tar in Sweden; which your Lordship hath procured from thence & caused to be transmitted to me with a view of improving that manufacture in this Province. I have distributed them among some of the most considerable Persons here, employed in making those naval Stores, whose experience will soon enable them to judge what useful hints can be adopted from thence in order to meliorate that Commodity in this Country.

Your Lordship will please to permit me on the behalf of this Province to return my humble thanks to your Lordship for this fresh proof of your Lordships attention to the improving the Commerce & promoting the Welfare of this flourishing Colony.

I

I have the honor to be with the greatest respect
My Lord
Your Lordships
most obedient &
most humble Servt
Wm Bull

To the right honourable
the Earl of Hillsborough
his Majestys principal Secretary
of State for America
Whitehall

B P R O Ao 4 I Vol 227 No 50

Charlestown July 9th 1771

My Lord

I have the honor of laying before your Lordship a Memorial which has been lately presented to me by Mr Milligen Surgeon of his Majesty's Garrisons in this Province, & to inform yr Lordship that all the Allegations therein relative to himself are consistent with my knowledge except the first, & of that I have no reason to doubt, I therefore humbly beg leave to submit the prayer thereof to the Royal Consideration & favour, which his ready service on every occasion when his Majesty's Troops in this Town have stood in need of it, before it was his duty under his present Commission, seems to give some room to hope for.

It may be proper to observe to your Lordship that altho there are none of the Kings Troops Stationed here at present, yet detachments which occasionally make some stay in passing from one part to another for convenience of Transports, & recruiting parties which are frequently here, find employment for him.

Will your Lordship allow me the liberty of requesting on the behalf of a Man of Merit from

Skill

Skill & humanity in his Profession, and from an unquestioned Loyalty to the King, and Attachment to his Majestys Government, that your Lordship will be pleased to grant your Countenance & powerful recommendation to this Memorial. And if the Royal Goodness shall be graciously pleased to think the prayer of the Memorial reasonable, I presume to suggest that his Majesty's Quitrents in this Province will be a ready an obvious & an effectual Fund to augment the pay for such Provincial Service.

As the Mr Milligen's Commission issued from the office of the Secretary at War, and the Augmentation of pay petitioned for appears to relate to the Royal Revenue, yet as your Lordship is the channel through which I am commanded generally to represent any Matters to the King, I have transmitted this Matter to your Lordship, humbly hoping that if I have mistaken the proper channel, the right honourable Lords through whose Department it ought to have passed, will pardon my mistake, & the Memorial receive no disadvantage thro my Error.

I have the honor to be with the greatest Respect.

My Lord

Your Lordships

most

To the right honourable the Earl of Hillsborough his Majestys principal Secretary of State for America

most obedient & most humble Servant
Wm Bull
Whitehall

(Inclosure)

To The Honourable William Bull Esqr Lieut Governour and Commander in Cheff in and over his Majestys Province of South Carolina &c

The Memorial of George Milligen Surgeon to all the Garrisons for his Majestys forces in the said Province

Humbly Sheweth

That your Honours memorialist in November 1745 joined the late Field Marshal Wades army at Newcastle as a volunteer and was soon after appointed a Surgeons mate of the Hospital, in which Station he servect till the end of the war, when the Hospital was discharged.

That in july 1748 he received a Warrant from General Oglethorpe to be a Surgeon's mate in his regiment then in Georgia, where he continued as mate till the Regiment was disbanded and three Independent Companies formed out of it to do duty in this Province, in

in this Station he served in the said Companies un-
till July 1763 when he purchased the Surgeons Commis-
sion at the price of four hundred pounds Sterling

That, on Your Honours recommendation in 1760
Sir Jeffry Amherst was pleased to give him an Ensign's
Commission in the Said Companies, which were disband-
ed in 1763, when your memorialist was put on half pay
as an Ensign.

That in 1768 his Majesty was pleased to bestow
on Your Honours memorialist his present Commission,
from which, after the usual deductions, he receives on-
ly the Sum of Sixty Seven pounds yearly, which with
due Submission, he thinks too small an allowance
for a duty that extends upwards of two hundred miles
in an expensive Country and unkindly Climate.

Your Memorialist begs leave to inform Your
Honour, That the Surgeons to the Garrissons in both
the Floridas, at Quebec, Dominica St Vincents and in
most places abroad receive ten Shillings p^r Diem
and That Mr Adair Surgeon to Fort St Philip in Min-
orca, whose pay is five shillings p^r Diem on the
establishment, receives, besides, one hundred pounds yearly
out of his Majesty's rents in that Island.

Your Honours Memorialist therefore humbly

prays

prays that you will be pleased to take into your consideration his long and constant Services, and to Move His Majesty or his Ministers to bestow on him an additional Sallery out of the Duties of this Province, or in any other more convenient manner, And Your Honours Memorialist as in duty bound shall ever pray &c &c

Charlestown
So Carolina
July 8th 1771

Jos Milligen

B P R O. A 1 W I Vol 227 f. 175

Charlestown July 16 1771

Sir

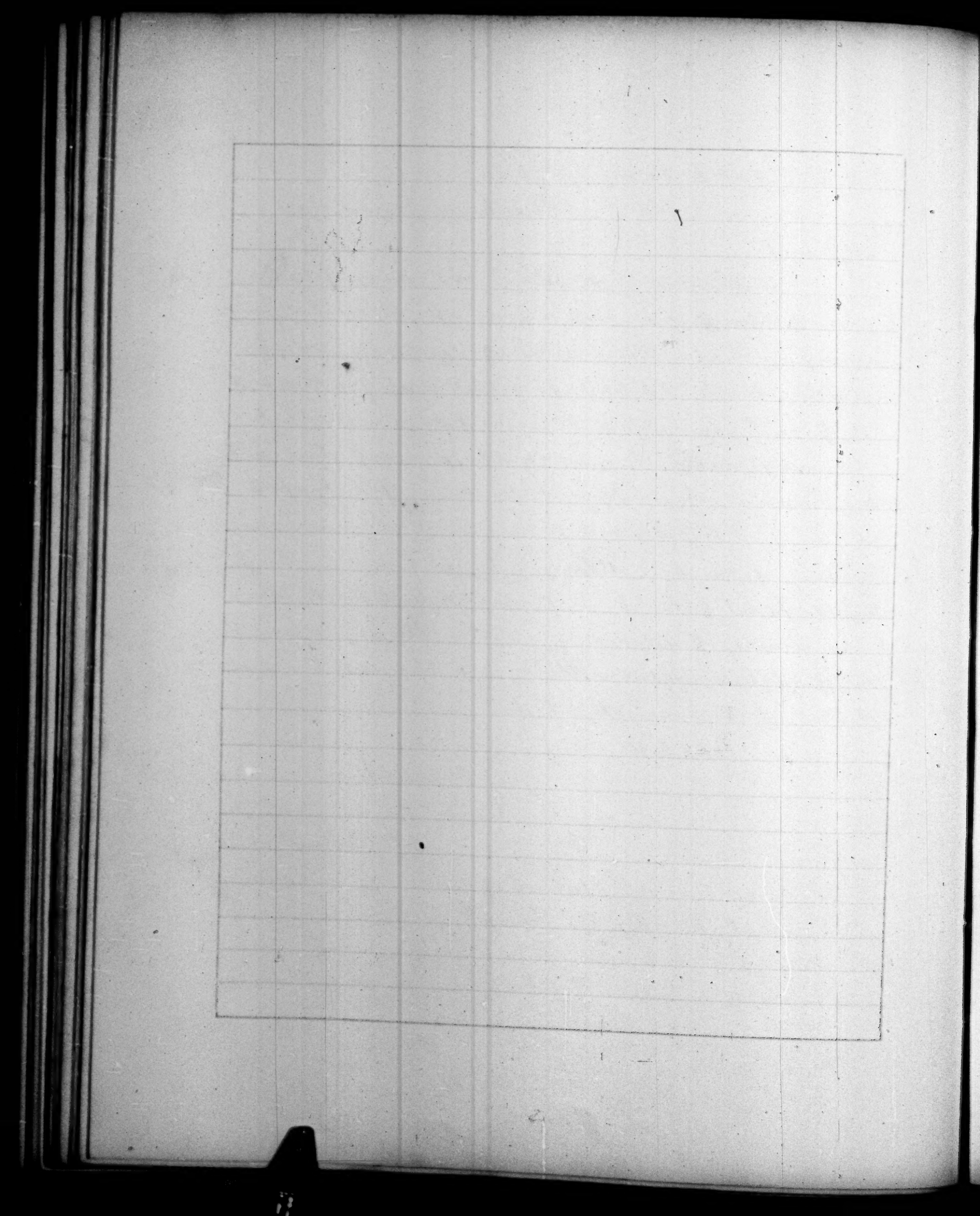
I have received the Packet containing twelve Copies of the full & exact account of the methods used in making Tar in Sweden, which by direction of the right honourable the Earl of Hillsborough you transmitted to me. Agreeable to his Lordships generous intentions I have distributed them among the principal Persons in this Province who employ themselves in that Manufacture

I am

Sir

To John Pownal Esqr
Under Secretary of State in
the office of the right honourable
the Earl of Hillsborough
Whitehall

Yr most obedient humble Servt
Wm Bull



B P R O Ad Mt I Vol 227 N° 51 f 79

Charlestown August 7th 1771

My Lord

I am to acknowledge the Honor of receiving a Duplicate of your Lordships Letter N° 47, and your Lordships Circular Letter of the 5th June, in which you are pleased to notify her Majesty's being safely delivered of a Prince. I beg leave to present my most since congratulation upon the happy event, which gives an encrease to his Majesty's illustrious family and extends our hopes that a successor may never be wanting from his Majesty's Royal House to Sway the Sceptre of Great Britain, and perpetuate the Liberties and Happiness of all his Majesty's Subjects

I have the Honor to be with the greatest respect

My Lord

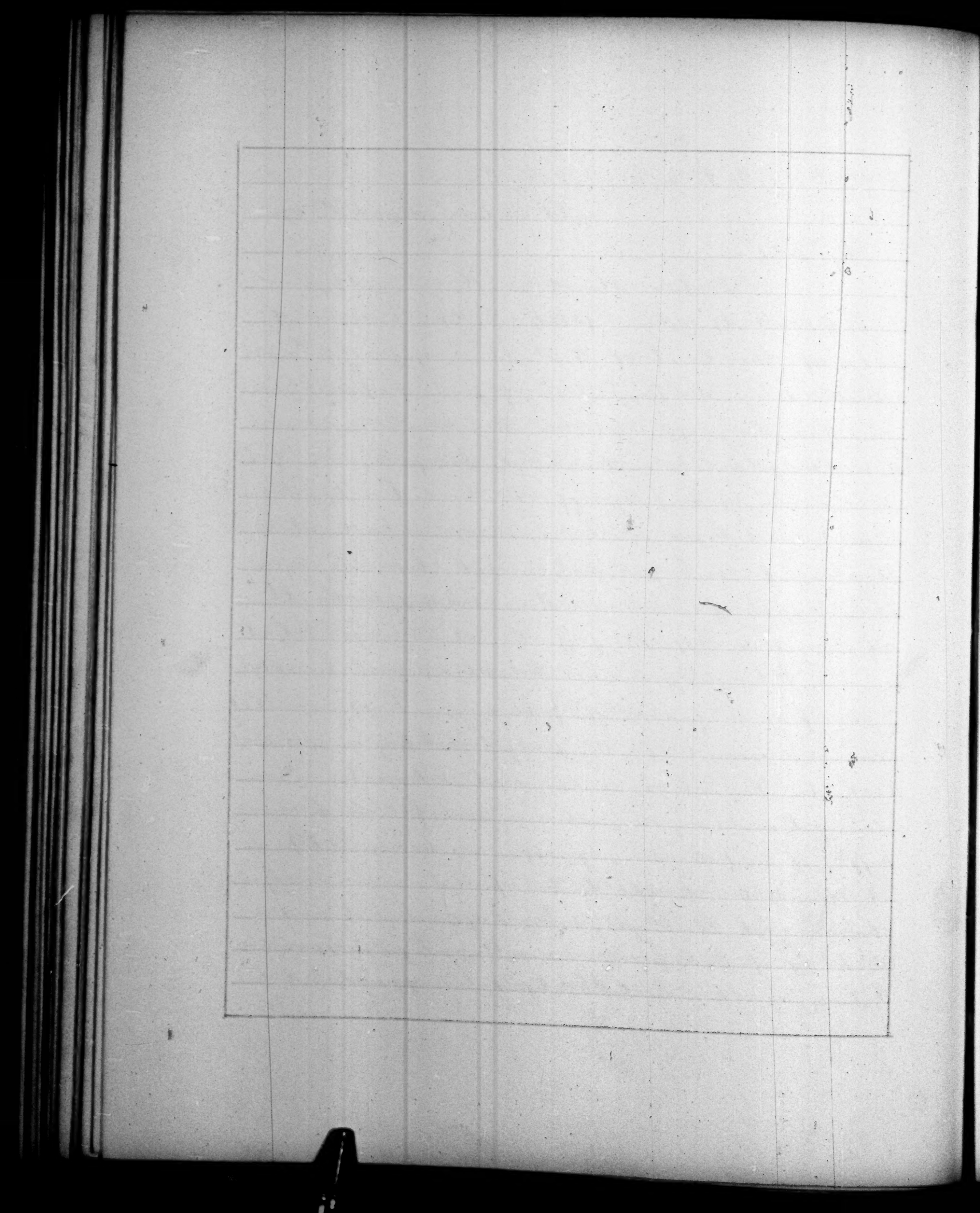
Your Lordship's

most obedient &

most humble Servt

Wm Bull

To the right Honorable the Earl of Hillsborough his Majesty's Principal Secretary of State for America at Whitehall



B P R.O Ar W I Vol 227 N° 52 f 163

Charlestown August 1st 1771

My Lord

I have the Honor to acquaint your Lordship that I have filled up the vacancy of Judge of the Court of Vice Admiralty for this Province occasioned by the resignation of James Simpson Esquire upon his being appointed his Majesty's Attorney General for this Province, with Edward Savage Esquire. And altho in England Judges of the Civil Law Courts are under the Controul of the Common Law Courts when they exceed their Jurisdiction, and there may seem an incompatibility in one Man's holding both those offices, yet as the Chief Justice alone here, hath it in his Power to grant a Prohibition where necessary, & therefore no failure of Justice can happen in that case on Account of Mr Savage's holding a seat on both benches, which is the more allowable in Countries where there are not numbers of learned men sufficient to fill up every office distinctly. I hope I shall not be thought to have acted inconsistently therein, and that Mr Savage's appointment under such circumstances will recieve his Majesty's approbation. I have by this Packet notified his appointment to the

the right honourable the Lords of the Admiralty
within whose department this office lies
I have the honor to be with the greatest respect
My Lord
Your Lordship's
most obedient &
most humble Sert.
Wm Bull

To the right Honorable the Earl of
Hillsborough his Majesty's Principal
Secry of State for America at Whitehall

B P R O South Carolina B T Vol 23 P 15

No 53 Charlestown August 19th 1771

My Lord

I have the Honor to acquaint your Lordship that on the 13th instant Peter De Lancey Esquire Deputy Post Master General for the Southern District of North America, and the Bahama Islands, was shot dead in a duel, whereby that office became vacant That no interruption or delay might happen in the business of that office, which is established at Charlestown in this Province. I thought it necessary and my duty to fill up that vacancy until the right honourable his Majestys Post Masters General should signify their pleasure thereupon. The Person whom I have appointed is William Henry Drayton Esquire, whose loyalty and Attachment to His Majestys Government, and whose integrity & abilities render him in my opinion equal to the duties of that office. By this Conveyance I do myself the honor of informing his Majestys Post Master General of the vacancy occasioned by this unfortunate affair, & of the step I have taken in consequence thereof, and shall hold myself very happy if my appointment of Mr Drayton shall meet with Your Lordship's approbation and the confirmation of His Majestys Post Masters

Masters General.

I have the honour to be with the greatest respect

My Lord

Your Lordship's

most obdt & most humble Servt

Wm Bull

To the right honble
the Earl of Hillsborough
his Majesty's Principal
Secretary of State for
America at Whitehall

Read Decr 12 1771

B P R O Ar Vol 227 f 191

Charlestown So Carolina 21st Sept 1771

My Lord

I arrived here in his Majesty's Ship the Tartar the Sixteenth of this Month after a tedious Passage of Nine Weeks.

The House of Assembly met on the eighteenth in consequence of a Prorogation of the L Governors to that time. In their Address a Copy of which I have Inclosed, they promise immediately to enter upon Business, and I flatter myself, I shall be able to send you, by the next Packett, a more certain and a more favourable account of their Proceedings.

The People in general seem much pleased and express their Gratitude to his Majesty, for his Instruction to me, for the settling of the Boundary Line, between this Province and North Carolina.

In regard to the Fifteen Hundred Pounds which was sent to England, in 1769 by a particular order of the House of Assembly only, there are scarcely above Two Members in the House, but what in Private, condemn the Measure, yet from a certain kind of Pride find it very difficult to recede from Orders they have so Publickly made.

I

I brought over with me, the Kings Mandamus, appointing Bernard Elliott Esqr of the Council in this Province, he has not yet taken the Oaths but intends in a short time I have applied to Mr. David Deas, but as yet, have had no answer, as he is in the Country. Charles Town appears much increased in Buildings since I left the Province. The Exchange is nearly finished, and will be of great advantage to the Trade. The Publick Goal has been compleated some time ago, and I am informd the Jails and Court Houses in the different Parts of the Province, will be compleated by December next.

His Majesty's Ships now in the Harbour here are the Mercury Capt Keeler, the Tarter Capt Medows, and the Bonetta Capt Squires.

In consequence of an unfortunate Quarrel, a few Days before I arrived here, Peter Delancy Esqr was killed in a Duel, and Wm Henry Drayton Esqr was appointed, by the Lt Governor, Postmaster in his Room.

I have as yet been so short a time here, that I am not able to acquaint your Lordships with any other particulars relative to the Province

I am

My

My Lord

Your Lordships

Most Obedient

Humble Servant

C G Montagu

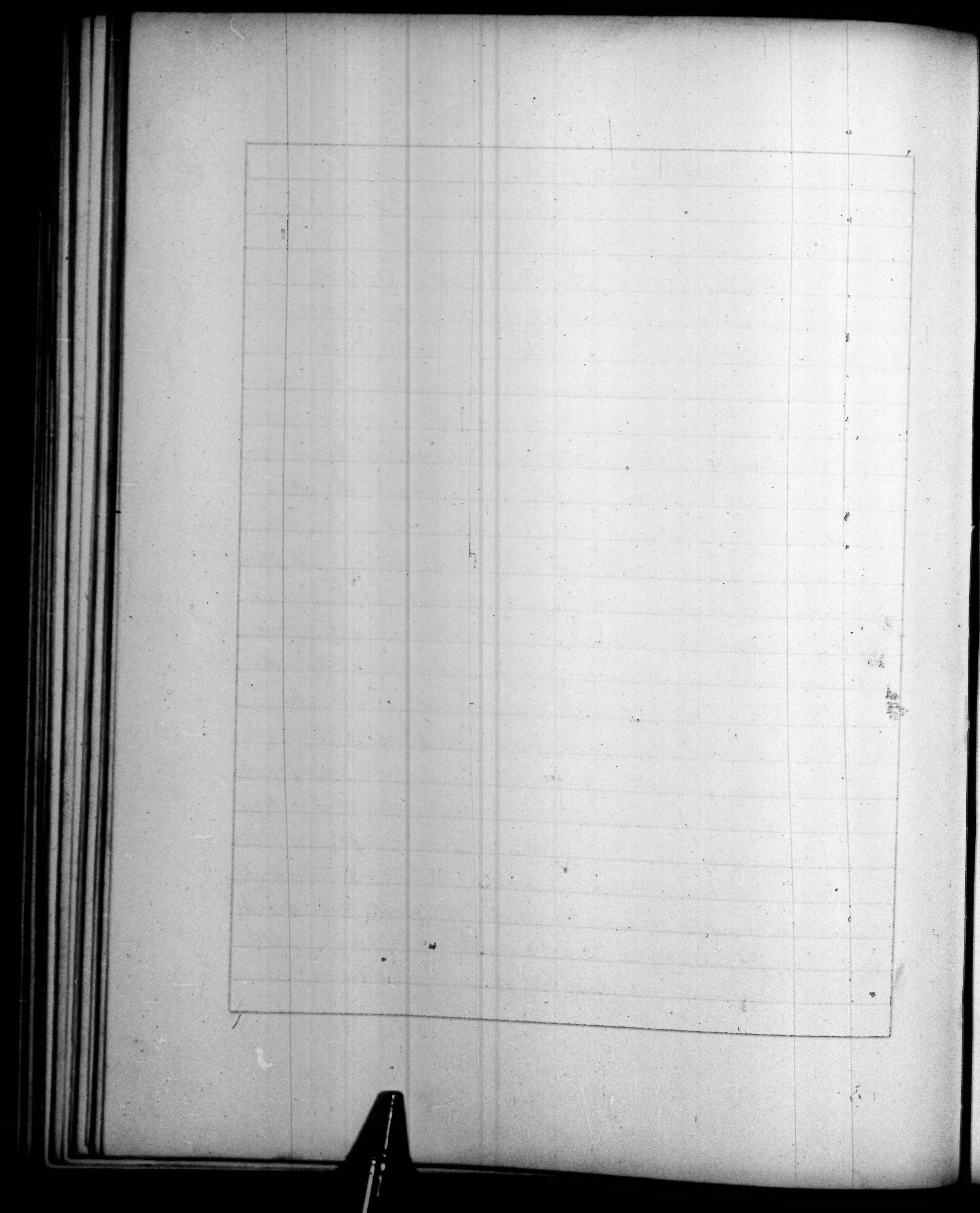
To The Earl of Hilsbro'

(Inclosure 1)

Address of the Council of South Carolina, to Lord Charles Greville Montagu (dated 19th Sept. 1771)

(Inclosure 2)

Address of the Commons House of Assembly of So Carolina to Lord Chas Greville Montagu (dated 19th Sept. 1771)



B P R O Ar Vt I Vol 227 N° 2

S Carolina Octr 21st 1771

My Lord

When I had the honor of writing to you last, I expected by the next opportunity to have been able to have sent you the Tax Bill of this Province to receive his Majestys Assent, without any of those Clauses in it that have so long impeded its passing; but I find that time may still be very distant, as the disputes in the House of Assembly, in regard to the form of the Bill continue very warm. The Publick credit in the Province, is at present very low, and the Kings Officers suffer from their Salaries here, and other expences for the Province, remaining so long unpaid

I am now particularly sensible of the inconvenience arising from the want of a Provincial House for the Governor to reside in, for I am at present without a House, notwithstanding I sent orders some months before I left England, to endeavor to procure one. the House of Assembly have indeed appointed a Committee to find one for me, but as yet their search has been vain.

I shall not trouble your Lordship any more about

about this matter, as you will readily conceive how improper & how expensive this situation for one of his Majesty's Governors & his family to be obligd to, reside either in Lodgings or at a Publick Tavern.

I am

My Lord

Your Lordship's

Obedient humble Servant

To The Earl of Helsborough C G Montagu

B P R O A & Pt I Vol 227 N 3 f 21

S. Carolina Nov 13 1771

My Lord

I am sorry to inform your Lordship that the Proceedings of the late House of Assembly have obliged me to dissolve them; Sometime ago the Commons House of Assembly sent an order to the Publick Treasurers, to pay to the Commissioners of the Silk Manufacture three thousand Pounds to enable them to purchase raw Silk of the produce of this Province, to be transported to Great Britain for Sale; upon the receipt of which, the Treasurers waited upon me, to inform me of it, and to desire to Know how they were to act, I acquainted them, that such an order was contrary to his Majesty's Directions, & refer'd them to a late Instruction relative to it. — Since that time the Tax Bill has been sent to the Upper House where after being read, it was returnd to the House of Assembly, with an amendment, as the Members of the Upper House could not agree to its passing into an Act, in that State, where, directly contrary to his Majesty's Instruction, the Money originally advanced by the Treasurers upon an order of the Assembly only,

was

was Order'd to be repaid them, and the Restrictive Clause, in regard to the Treasurers, omitted.

On the fifth instant the P Treasurers, were ask'd by the House of Assembly, whether they wd comply with their order for the payment of the three Thousand Pounds to the Commissioners of the Silk Manufacture, which they refusing to do, were immediately order'd to be sent to the Publick Jail. They were accordingly confined and about four o'clock that afternoon, I dissolv'd the Assembly by Proclamation.

I inclose to you a Copy of the Warrant, by which the Treasurers were committed, and at the same time transmitt to your Lordship a Copy of the Journals of the Assembly. — I do not propose the next House of Assembly shall meet to do Business before I receive his Majesty's further Instructions

I am

My Lord, Your Lordships,

most obedient Servant

To the Earl of Hilsborough — C G Montagu

(Inclosures)

Copy of Warrant for Committal of Public Treasurers

Extract from the Journals of the Assembly of S. Carolina

B P R O Georgia B T Vol 32 H 12

(15th November 1771)

To the Honourable the Lords of the Board of Trade & Plantations.

My Lords

Lewis Dumesnil de St Pierre Your humble Petitioner; One of his Majesty's Justices of the Peace for Granville County South Carolina & Captain of the Militia of the Company of the French Colony at New Bourdeaux in the said Province did obtain of his Majesty a promise of a Grant of 20000 Acres of Land in Nova Scotia under the Ministry of My Lord Shelburne in the Year 1767. intended to be settled by French & German Protestants, Your humble Petitioner did leave London with the said Colony the 21th of September in the same year, in Order to perform his Agreement, but having been beaten by contrary Winds until the Latitude 40 North, his Ship being very leaky & his Colonists reduced to three Pounds of Bread for Nine days. & very Sick of the Scurvy, they did oblige him the 1st of Janry 1768 to bear, and he put into the harbour of Charles Town the 10th of Febry 1768 after having been 138 Days at Sea, in the greatest Distress, 10 of his People being Buried over board,

and

and the remainder in danger, Then MiLords your humble Petitioner was obliged to accept the offer made unto him by Lord Charles Montagu, the Governor of the Province to stay and settle there and the Legislature granted him the usual Bounty for his People who refused him to take the Sea again for any consideration, by that he was prevented to go to take Possession of his 40 000 Acres of Land, and went immediately to take Possession of the Land granted unto him at New Bourdeaux Hilsborough Township, where he made his application to view the Lands of his District, which he found intirely adapted & Calculated for the Vines, Silk & Indigo Agriculture, whose produces will succeed in a plentiful manner if Your Lordships will be so kind to encourage Your humble Petitioner, he being unable by himself to carry to the highest the first Branches of Agriculture without help from the Publick.

Your humble Petitioner takes the Liberty to shew to Your Honours that he expended above £2000 Sterling for his Colony & that he has never had any Lands in Nova Scotia nor in Carolina, but a small Tract for himself, and he most humbly begs, that Your Lordships will be pleased to grant to him

20. 000

20,000 Acres in the Province of Georgia, which is the half of what he was intitled to in Nova Scotia, intending to promote the above branches of Agriculture, as well in that Province as in Carolina, of which he is separated only by the River Savannah

Your most humble Petitioner is in hopes that Your Lordships will throw a favourable Eye upon this Memorandum, and to consider that he is very much in a hurry to proceed to provide for some Plants of Vines from Abroad, it being now the very time for to buy the Slips, and to carry them into Carolina. Your most humble Petitioner as in Duty Bound shall ever pray for Your Preservation.

L Dumesnil De St Pierre

15 9ber 1771

N° 15 Southampton Old Buildings Holborne

Rec^d Novr 21 } 1771
Read Decr 12 }

B P R O Ad M I Vol 227 N° 47

Whitehall, Decr 2^d 1771

Lord Charles Greville Montagu

My Lord,

Your Lordship's Dispatch of the 21st of Septr has been received and laid before the King.

The grateful Sense which Your Lordship says the People in general entertain of the King's paternal Regard for them in directing a final settlement of the Boundary Line with North Carolina is very pleasing to His Majesty, and from what Your Lordship observes of the private Opinion of the Members of the Assembly in respect to their unwarrantable Proceeding in 1769, and from the temperate style of their Addresses to you, there is good ground to hope that Your Lordship's Administration will not be entangled with those Difficulties which the former Violence and prejudice of the Assembly had created.

Your Lordship says, that there is scarcely above two Members of the House but what in private condemn that Proceeding; and therefore I should hope that there will not be many more, who will disapprove

the

the Instruction from His Majesty in consequence thereof, the sole object of which is to restore to the Constitution of the Colony those Barriers against the like Attempts for the future, which the wisdom of their Forefathers, considering as well the Dignity of the Crown as the Rights of the People, thought fit to set up.

Mr Bull having transmitted to me a Memorial presented to him by Mr Milligen Surgeon to His Majesty's Garrisons in South Carolina, praying for an additional Salary out of the 2nd Rents, Your Lordship will be pleased to acquaint Mr Milligen, that I have not failed to lay his case before the King, and that His Majesty hath commanded me to transmit his Memorial together with Mr Bull's Letter to the Lords Commissioners of the Treasury.

As the Danger to which the Duke of Gloucester has been exposed by the Attack of a very violent Disorder at Leghorn, cannot but have created great Anxiety in the Public for His Royal Highness's Safety, I seize with the greatest pleasure this Opportunity of acquainting you that by the last Advices His Royal Highness was out of all Danger

I am &c.

Hillsborough

B P R O. South Carolina B. T Vol 29 p. 435

(15th December 1771)

To The Kings most Excellt Majesty

May it please Your Majesty

We have had under our consideration an Act passed in Your Majesty's Province of South Carolina in April 1713. intituled.

"An Act to promote and carry more fully "into execution An Act to incorporate the "Winyaw Society, now of force in this Province"

Whereupon We humbly beg leave to represent to your Majesty, that the object of this Act is to carry more effectually into execution a former Law confirmed by Your Majesty, by reducing the number of Members necessary to make a Committee of the said Society, for the dispatch of Business from twenty five to fifteen at their Yearly Meetings and at other Meetings nine. This Act has likewise been referred to the late Sir Mathew Lamb, one of Your Majesty's Counsel, in whose report no objection thereunto is stated in point of Law, and as it is accompanied with a proper Clause suspending its execution, until your Majesty's pleasure thereupon shall be obtained. We humbly beg leave to lay this Act before

Your

Your Majesty for Your Majesty's Royal Allowance and Confirmation

Which is most humbly submitted

Hillsborough

Soame Jenyns

Wm Fitzherbert

Grevill

Whitehall
Dec 15 1770

B P R O South Carolina B T Vol 24 p 407

(14th December 1771)

To the Kings most Excellt Majesty

May it please Your Majesty.

We have had under our consideration a Memorial presented to us by Lewis Dunoud de St Pierre, one of Your Majesty's Justices of the Peace for the County of Granville in South Carolina, and Captain of a Company of Militia of the french Colony at New Bourdeaux in the said Province, setting forth that on the 26th of Septr 1767 he embarked from London with a considerable number of french and German Protestants for the purpose of settling and establishing a Colony at Cape Sable, within the Province of Nova Scotia, under assurance of a Grant of forty thousand Acres of Land; but having been driven out of his Course by Contrary Winds, he was obliged, after enduring many and great hardships, to put into the Harbour of Charles Town in South Carolina, where he arrived on the 10th of Febry 1768 in great distress ten of his People having died on the Passage; That being prevented from availing himself of his Lands in Nova Scotia by the remainder of his People refusing to put to Sea again, he was induced for the present to accept the

Offer

Offer made to him by your Majesty's Governor Lord Charles Montagu to settle with his People in that Province, upon the usual terms and Conditions of Fifty Acres for each person, with a small tract for himself; That in consideration of these Sufferings and disappointments, as likewise of the Expences incurred, which he states to amount to Two thousand Pounds Sterling, the Petitioner humbly prays to be recommended to Your Majesty for a Grant of Lands in the Province of Georgia, proportioned to what he was intitled to in Nova Scotia; Whereupon We beg leave humbly to represent to Your Majesty

That having been attended by Mr St Pierre in Person, and having no Cause to doubt either the truth of the above recital, or his intention of carrying his Proposals into execution, he having left a considerable number of Settlers on the Spot, and provided himself with a large quantity of Plants for the purpose of propagating the growth and Culture of Vines in those parts, we are, for these reasons humbly of opinion, that not only some indulgence is due on account of the Sufferings and Expences of the Petitioner; but also that it may be for your Majesty's Service to encourage his proposals by allowing him a

reasonable

reasonable Grant of Lands; and as it is stated to us by the Petitioner, as matter of Indifference to him whether this Grant be located in the Province of Georgia or that of South Carolina, where his People are now seated in a district, which he represents as well adapted to the Culture of Vines, Silk & Indigo, We would humbly propose to Your Majesty, to direct Your Governor of South Carolina, to cause five thousand Acres of Land in that Province to be granted to the Petitioner, in one contiguous tract, upon the Terms and Conditions, on which Lands in that Province have been usually granted

Which is most humbly submitted

Hillsborough

Soame Jenyns

Wm Ilchester

Grenville

Whitehall
Dec. 18th 1771

1772

B. P. R. O. Journals B T Vol 50

Whitehall 18th March 1772

At a Meeting of His Majestys Comm.rs for Trade & Plantations

Present

Mr Gascoyne — Lord Robert Spencer
Lord Grenville — Mr Jolliffe
The Earl of Hillsborough, one of His Majestys Principal Secretaries of State, attends

. . . . . .

The Secretary laid before the Board a Memorial presented to the Lords of the Treasury by Louis De St Pierre, setting forth that he had, at his own expence, established and brought to perfection the growing of Silk, the Culture of Vines and the making of Wine at New Bourdeaux in South Carolina, That he had now 100,000 Vine Plants and above twenty Families of French Protestants, all Vine Dressers, ready to embark with him for that Colony, but not being able to accomplish his Design without some publick encouragem.t, he therefore prays that their Lordships would recommend to His Majesty to bestow such encouragement upon him and his infant Colony as shall be thought meet.

The Secretary also laid before the Board a Minute of

of the Treasury Board of the 27th of Febry upon reading the above Memorial, by which it appears that their Lordships declined taking it into consideration, unless it came recommended by this Board; whereupon this Board came to a Resolution, that it appeared to them, that the Settlement made in South Carolina by Mr De St Pierre had been undertaken and carried on with great spirit and activity, and could not fail of being usefull to this Kingdom in the Production of those Articles of necessary consumption, which are now principally imported from foreign Parts.

. . . . . .

13th April 1772

Read a Memorial of L De St Pierre, stating his having made a Settlement in the Province of South Carolina with a view to the Culture of Wine and Silk; that he has now several Colonists and many thousand Vine Plants ready to be Shipped for that Province, and therefore praying, that he may have some Bounty from the Crown, as an encouragement to the object he has in view.

It appearing that Mr St Pierre had presented a Memorial to the same effect to the Lords of the Treasury, to which Department the consideration of this

matter

matter more properly belongs, and this Board having in consequence thereof, given by their minute of the 15th of March a testimony of their sense of Mr St Pierre's undertaking, their Lordships were of opinion, that they had done all, which in the present state of this Business, it was fit for them to do.

. . . . . .

11th June 1772

Read a Memorial of Louis de St Pierre Esqr to the Board, dated June 11th 1772, praying that fifty pounds per annum may be ordered for two years to the Minister at New Bourdeaux, till the place is established as a Parish; — and that one hundred and fifty Musquets may be granted to him

Their Lordships were of opinion, that the subject matter of the said Memorial did not lye with this Board.

. . . . . .

29th July 1772

The Secretary laid before the Board publick Acts and Proceedings of the Legislatures of several of the Colonies in America, the titles of which are as follows Viz.t

. . . . . .

Journals of the Commons House of Assembly of

Jam.k

South Carolina from the 2d to the 10th of April 1772

. . . . . .

2nd November 1772

Their Lordships took into consideration the state of His Majesty's Councils in the Province of South Carolina, ..., and Representations to His Majesty recommending several Persons to supply vacancies in the said Councils, were agreed to and signed Viz.t

Representation recommending Charles Pinckney Sen.r Esq.r to be of the Council of South Carolina.

. . . . . .

The Secretary read several Memorials and Petitions for Grants of Lands in His Majesty's Colonies Viz.t

. . . . . .

Petition of Robert Hunkey of the City of London, Merchant, to the Board for a grant of two thousand five hundred acres of Land in South Carolina.

. . . . . .

B. P. R. O. A + W. I. Vol. 227.

(No 48.) Whitehall Janr 11th 1772.

Lord Chas. G. Montagu.

My Lord,

Since my Letter to your Lordship No 47. I have received your Dispatches No 2 + 3 and have laid them before the King.

The proceedings of the Lower House of Assembly as represented in the last of those Dispatches, so contrary to the expectations which the King had entertained of a more moderate and respectful conduct, have given His Majesty great concern, + cannot fail of having consequences equally prejudicial to His Majesty's Service, + to the Affairs of the Colony.

The manner in which the Assembly has attempted to support their unwarrantable claim to dispose of and issue public Money without the consent and concurrence of the other two Branches of the Legislature, after being apprized of the King's Instruction on that subject, is such a mark of disrespect to the Crown, and so unconstitutional a proceeding as could not fail of being very displeasing to the King. Such

a

a conduct was the less to be expected after the signal marks of His Majesty's Grace and Favor extended to the Colony in the cases of the Boundary line, and in not only giving the Royal Assent to the Establishment of Courts of Justice upon the Plan recommended by the Assembly, but also in the appointment of a Bench of able and learned Judges.

It is with concern His Majesty sees how soon these benefits have been forgot by the Assembly, not only in the instances of the proceedings I have alluded to, but also in the refusal to make provision for a House for the Chief Govr, and leaving him exposed to the disgraceful situation of either taking up his Lodging at a Public Tavern, or in a fort, at a distance from the Capital, and very ill fitted for his reception.

The King confides in the affection of His faithful Subjects in Carolina in general, and trusts that the violent Measures and unwarrantable pretensions of the Assembly will be disapproved by all real Friends to the Constitution; And I have it particularly in command from His Majesty to signify to you His Majesty's Pleasure, that you do

in

in a proper manner acquaint the Council of His Majesty's entire approbation of their conduct and firmness, & that you do give every countenance & encouragement in your Power to the Public Treasurers whose behaviour in refusing to pay obedience to the unconstitutional orders of the Assembly, cannot fail of gaining the applause of all those who are well wishers to the true Interests of the Colony.

The King approves your Lordships conduct in dissolving the Assembly, and your intention of not allowing the new Assembly to proceed upon business before you receive His Majesty's Instruction in consequence of what has already passed, and after having so fully explained to you His Majesty's Sentiments upon that proceeding, it only remains for me to signify to Your Lordp His Majesty's further pleasure that you adhere with firmness to the directions contained in His Majesty's Additional Instruction of the 14th April 1770, that you do put a stop by dissolution or Prorogation to any further attempts which may be made to carry into effect that unconstitutional claim to dispose, without the concurrence of the

Govr

Govr and Council of any Money in the public Treasury.

I presume after what I have already said, it is barely necessary without descending into particulars to suggest to your Lordship the Propriety of taking notice in your speech to the Assembly upon their Meeting of His Majesty's firm Resolution to adhere to the constitution and to point out to them that if they shall persist in pursuing a conduct that shall lay you under the necessity of again dissolving them, the ill consequences of such a measure will be imputed to them and them alone.

Your Lordship's own Judgement and Discretion will point out to you better than I can do the manner in which this should be conveyed so as not to carry with it the appearance of a Menace, and I have only to observe that the more Temper and Moderation you use in your Expressions, the greater will be the Probability of the desired success.

I am &c

Hillsborough.

B.P.R.O. So. Carolina B.T. Vol. 23. P. 37.

(15 Jan. 1772.)

At the Court at St James's
the 15th Day of January 1772.
Present
The King's most Excellent Majesty
in Council.

Whereas the Lieutenant Governor and Commander in Chief of His Majestys Province of South Carolina with the Council and Assembly of the said Province did in April 1765, pass an Act which hath been transmitted in the words following - viz.t

"An Act to promote and carry more fully into Execution An Act to Incorporate the Winyaw Indigo Society now of force in this Province."

N.B. here the Act was inserted at length

And Whereas the said Act together with a Representation from the Lords Commissioners for Trade and Plantations thereupon having been referred to the consideration of a Committee of the Lords of His majestys most Honourable Privy Council for Plantation Affairs, the said Lords of the Committee did this Day report as their Opinion to His Majesty that the said Act was proper to be approved —

His

His Majesty in Council taking the same into Consideration, was graciously pleased to Declare his approbation of the said Act; and pursuant to His Majesty's Royal Pleasure thereupon Expressed the said Act is hereby Confirmed, finally Enacted and Ratified accordingly – Whereof the Governor or Commander in Chief of His Majesty's said Province of South Carolina for the time being and all others whom it may concern are to take Notice and govern themselves accordingly. —

Recd Dec 12 }
Read D° 21 } 1772.

B.P.R.O. So Carolina B.T. vol. 23. P. 38.

(15 Jan 1772.)

At the Court at St James's
the 15th Day of January
Present
The King's most Excellent Majesty
in Council.

Whereas by Commission under the Great Seal of Great Britain the Governor Council and Assembly of His Majesty's Province of South Carolina are authorized and Empowered, to make Constitute and Ordain Laws, Statutes and Ordinances for the Publick Peace Welfare and good Government of the said Province; Which Laws, Statutes and Ordinances are to be as near as conveniently may be agreable to the Laws and Statutes of this Kingdom and are to be transmitted for His Majestys Royal Approbation or Disallowance - And Whereas in Pursuance of the said Powers two Acts were passed in the said Province in april 1770, and transmitted intitled as follows Viz.t -

"An act for Stamping and Issuing the sum of seventy "thousand Pounds for Defraying the Expence of Building "the several Court Houses and Goals appointed to be

built

"built in the several Districts of this Province and "for other purposes therein mentioned".

"An Act to Encourage the making of Flax, "Linens and Thread in this Province".

Which Acts together with a representation from the Lords Commissioners for Trade and Plantations - thereupon, having been referred to the Consideration of a Committee of the Lords of His Majesty's most Hon-ble Privy Council, The said Lords of the Committee did this Day Report as their Opinion to His Majesty that the said Acts ought to be disallowed - His Majesty taking the same into Consideration, was pleased with the Advice of His Privy Council to Declare his Disallowance of the said Acts; And pursuant to His Majesty's Royal Pleasure there-upon Expressed the said Acts are hereby Disallowed Declared Void and of none Effect - Whereof the Governor or Commander in Chief of His Majesty's said Province of South Carolina for the time being, and all others whom it may concern, are to take Notice and govern themselves accordingly

Recd Dec 12 }
Read Dec 21 } 1772.

B. P. R. O. A. & N. S. Vol. 227

(23 Jan. 1772.)

My Lord,

We His Majesty's Assistant Judges of the Province of South Carolina with the greatest deference & respect beg leave to lay certain facts relative to the Circuit Act & our present very disagreeable situation before your Lordship which We flatter ourselves will be worthy of your Lordships consideration

This Act after receiving the Royal approbation, was proclaimed here February 19th 1770; by it Commissioners were appointed to build Goals & Court-houses in six different districts in said Act mentioned, & the sum of Seventy thousand pounds Currency raised to defray the expences of said Buildings. The Commissioners so appointed undertook the Works and have actually received the Sum of Sixty nine thousand two hundred and Seventy four pounds, seven shillings & six pence Currency. The Commissioners of four of the Districts have nearly finished the Court Houses & Gaols allotted to them: The Commissioners of George Town & Cheraws have so far advanced their Buildings that little remains to be done: by the said Act Circuits are not to commence until every

Court

Court House & Gaol of the six different districts are compleated, so that it is in the power of any set of said Commissioners to retard the Commencement of Circuits, by delaying to finish either the Court House or Gaol of their particular District. The People here are persuaded that the Salarys appointed by said Act for the Assistant Judges will not commence until proclamation shall be made that all the Court Houses and Gaols above mentioned are compleated.

Your Lordship is, doubtless, acquainted with the Jealousys & refractory dispositions that have, for some time past, existed here & they have all the appearances of continuing, it will not therefore surprise your Lordship to be informed that the Leading men here take every method to gratify their Spleen by distressing the Servants of the Crown, We His Majestys Judges have strong reason to assert this, They are of Opinion that by retarding the Buildings, they retard the commencement of our Salary & they have influence enough to do so, though the generality of the people especially in the back Settlements, cry aloud, that they are aggrieved and oppressed for want of Circuits - There is no doubt that

that George Town buildings in particular were wilfully & intentionally delayed. One of the Commissioners of that district, a Man of the greatest weight & influence in the late lower House of Assembly, some short time before its dissolution & when he was certain such a measure would take place declared in a publick company whea our Brother Mr. Justice Savage was present that the Court Houses never would be finished, & again, recollecting himself, not these three years, indeed there is every reason to presume that, that declaration will be enforced, while they have any hopes of attaining the points they very obviously aim at, which are to force us to resign & to fill our seats with men of their own stamp. But as We on our Parts are fully determined to persevere in the faithful discharge of our Dutys with honour, Firmness & Integrity, And as we have the strongest reliance on Our Royal Master's Protection, We trust We shall in time get the better of every unjust prejudice.

As We would not chuse to give our Opinions in a case which immediately concerns ourselves, We entreat Your Lordship to consult His Majesty's

Attorney

Attorney & Solicitor General whether We are entitled to our Salarys by the Circuit Act, which was proclaimed here February the 19th 1770, from the time of our Appointments in London or when our Salarys will commence by the Circuit Act of this Province; if they shall be of Opinion that Our Salarys have already commenced, We shall be infinitely bound to your Lordship for your Warrant to the Treasurer to pay as they become due, — but if they shall be of Opinion that Our Salarys will not commence until all the buildings are finished notwithstanding the wilfull & Premeditated Delays of the Commissioners, permit us to look up to your Lordship for Protection and such Relief from the Difficultys which We must then be involved in as Your Lordship shall Judge most convenient. —

We have the Honour to be with the greatest respect,

My Lord

Your Lordships Most Devoted
Most Faithfull Humble Servants
Edward Savage
John Murray
John Trewtrell.

Charles Town
South Carolina
January 23rd 1772

We have taken the Liberty of transmitting herewith to Your Lordship the Circuit Act of this Province & noting the Sections relative to the Salarys above mentioned.

B.P.R.O. A. & W.I. Vol. 227

South Carolina Barracks
Janry 25th 1772

My Lord,

I have the Honour of Inclosing to your Lordship, a Letter from three of the Assistant Judges of this Province, setting forth some Hardships they have labour'd under, since their Arrival. In regard to the delays in building the Court Houses and Jails, some principal people, did certainly endeavour to prevent the compleating of them, notwithstanding the generality of the Country have been particularly anxious, to have the Act take place; but I must acquaint your Lordship, that within these two days, I have had certain accounts of their being nearly compleat, and particularly of that of George Town which I am informed will be entirely finish'd in a fortnight. — I have very little to inform you of, except that a Transport with Two Hundred Soldiers belonging to the King of Spain, is now in this Port, having put in here in Distress; Upon application from the Commandant, Don Hugo O'Reily, I ordered the Judge of the Admiralty (with the advice of his Majesty's Council) to issue a Warrant of Survey, which being executed, the report made

to

to me, was, that she could not proceed to Sea, unless she was repaired, without immenent danger to those on board of her,— The necessary repairs are accordingly going on, in the mean time I have given leave to some of the officers to come on shore, having first received the Commandant's Parole that none of his Soldiers should come on shore without particular leave from me.

Since my last Letter to Your Lordship, Mr. Jewtrell, one of His Majesty's Assistant Judges, is arrived in this Province, but I have not yet heard anything from Mr. Bostlett.- I beg leave to acquaint you that Mr. Trail, appointed Clerk of the Pleas is not yet arrived.

By the last Packett from Pensacola, I understand that Mr. Stuart, Superintendant of Indian affairs was at the time she sailed from thence holding a Congress of Indians at which there were then present, Seventeen Hundred.

I have applied to the last Assembly, to defray the Expences of running the Boundary Line, between this Province and North Carolina, which they agreed to do, I have accordingly appointed Colonel Thomson and Mr Maine, two Gentlemen

-men of knowledge and Reputation in the interior parts of this Province, Commissioned for that pur-pose, and they propose beginning that Work in april next, which is supposed to be the best time of the Year, as there will then be Grass in the Woods for their Horses and Provisions for themselves. I have the Honor to be

My Lord

your Lordships

Obedient humble Servant

C. G. Montague

B.P.R.O. A. & W. I. Vol. 227.

(No 49.)

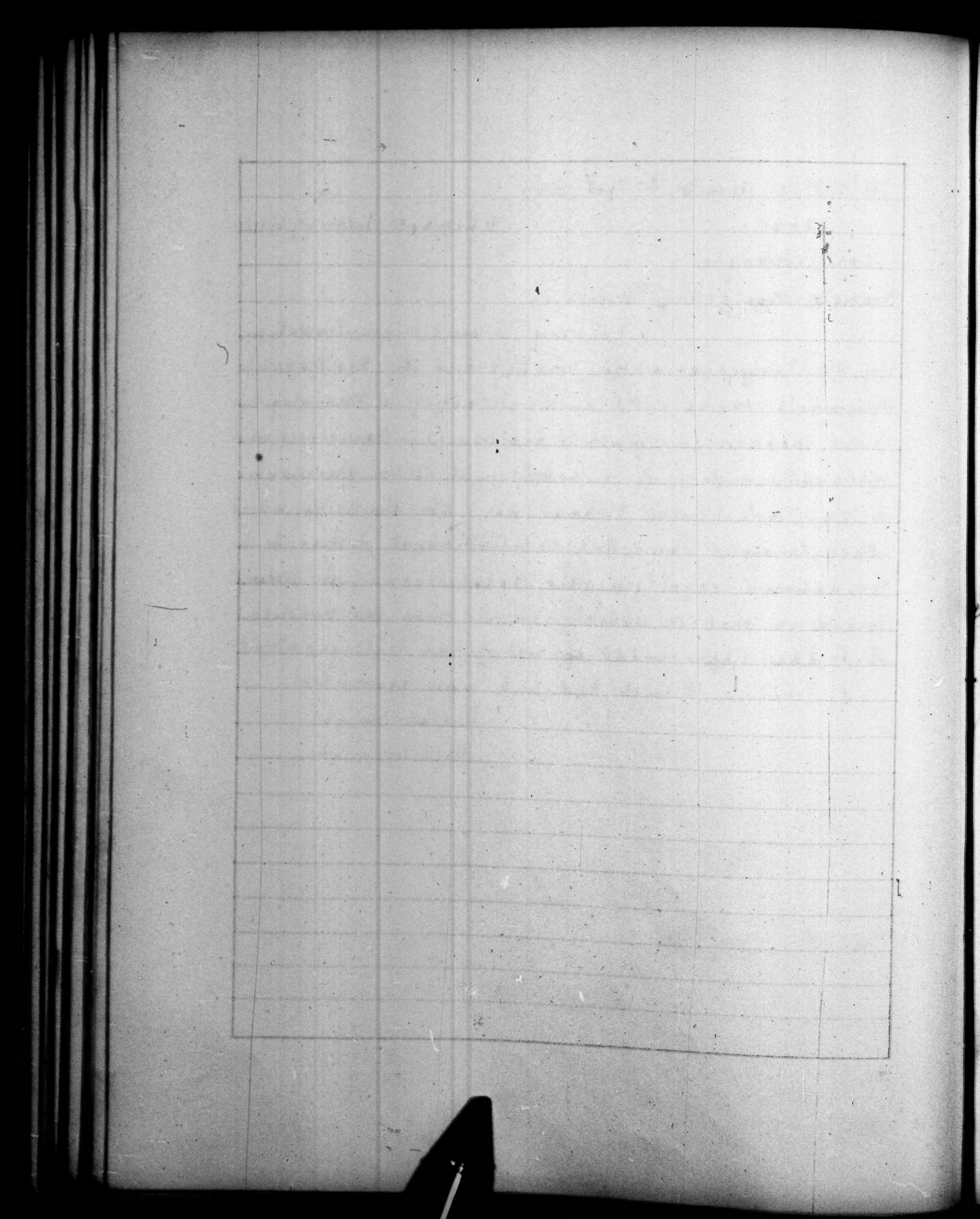
Whitehall February 5th 1772

Lord Charles Greville Montagu } My Lord,

In my Letter to your Lordship No 47, I acquainted you that I had by His Majesty's Command, transmitted to the Treasury a Memorial of Mr Milligen, Surgeon to His Majesty's Garrisons in So Carolina praying an additional Allowance out of the Quit Rents. I have now the honor to inclose to your Lordship Mr Robinson's letter to Mr Pownall, signifying the Resolution of the Treasury Board on that Memorial, which from the reports that have been made to me of Mr Milligen's Merit and Services, I wish had been more favorable

I am &c

Hillsborough.



B.P.R.O. A & W.I. Vol. 224

(No 50.)

Whitehall Febry 5th 1772

Lord Charles
Greville Montagu } My Lord.

I inclosed I send your Lordship, by the King's Command, an Order of His Majesty in Council on the 15th January last disallowing two Acts, passed in South Carolina in April 1770, which you will not fail to make publick on the manner usual upon such Occasions, and that Your Lordship may know the reasons which induced the Disallowance of the said Acts, I send you inclosed for your private Information, a copy of the Board of Trade's Representation thereupon.

I am &c

Hillsborough

B.P.R.O. So Carolina B.T. Vol. 23. P. 17.

(20 Feb 1772.)

To the Right Honourable the Lords Commission-ers of His Majesty's Treasury.

The Humble Memorial of Louis de St Pierre, his Majesty's Justice of the Peace and Captain of the Militia composed of French Protestants settled under the Gracious Protection of his Majesty's Royal Authority at New Bourdeaux in the Province of South Carolina.

My Lords,

Your Lordships Memorialist humbly begs leave to represent to your Lordships, that he has already, at the Expence of his whole little Fortune, established and brought to perfection, the growing and making of Silk, the Culture of Vines, and the making of Wine, at New Bourdeaux, and that the Honourable Society for the Encouragement of Arts, Manufactures, and Commerce have, in Testimony of their intire approbation, given a Premium of Fifty pounds Sterling for the Wine already produced, and were also pleased upon the 15th of January last to honour your Memorialist with a Gold Medal, as the only Mark of their perfect Approbation of your Memorialist's

Decent

Deserts, in their Power at present to bestow.

Your Memorialist further begs leave to represent to your Lordships, that the Settlement at New Bourdeaux doth now consist of about one hundred and Ten French Protestant Settlers; that Your Memorialist hath now one hundred thousand Vine-plants (Exclusive of Sixty thousand already sent by the Carolina Packet, Captain Turner, to New Bourdeaux;) and above Twenty families of French Protestants, all Vine Dressers, now ready to embark with him for New Bourdeaux; but that it is absolutely impossible for Your Memorialist to embrace the favourable Opportunity of increasing the Colony by so valuable an Addition of Subjects to His Brittannic Majesty, unless the present Proposals of Your Memorialist, already submitted to the Public for enabling him to raise the Sum of Four Thousand two hundred Pounds to carry his Plan into Execution, shall meet with the much desired success, or that Your Lordships shall be kindly pleased to take it into your serious Consideration, and recommend this Infant French Protestant Settlement to His Majesty's further most Gracious Protection.

Should Your Memorialist be so happy

as

as to become the Object of Your Lordships notice, and Consideration, Your Memorialist humbly begs leave to declare, that he will not only chearfully accept such Encouragements, as Your Lordships shall in your Wisdom think proper to recommend to his Majesty to bestow, either by giving a Bounty upon the Wine and Fruit Imported here, or otherwise; but will ever most dutifully obey every Restriction it shall be thought fitting to lay this Infant Colony under.

Your Memorialist humbly presumes to flatter himself, that the Facts thus humbly submitted to Your Lordships, as well as those contained in his printed Proposals, will be received by Your Lordships with full Credit, as Your Memorialist has it in his power, by Certificate under the Seal of the Province, and other Vouchers to Authenticate every Fact, especially if permitted to take in Aid the Letters from William Bull Esquire, Lieutenant Governor of the Province, addressed to the Right Honourable the Earl of Hillsborough, touching Your Memorialist, and his conduct: And therefore Your Memorialist humbly hopes, when Your Lordships shall have fully weighed the practicability of the

Undertaking

Undertaking, and the Sincerity of Your Memorialist which hath been already ratified by nothing less than his proscription from his Native Country, and the Expenditure of his Fortune in promoting the said Cultures. —

Your Memorialists will be pleased to take this Memorial into due Consider-ation, and recommend to his Majesty to bestow such Encouragement on Your Me-morialist, and his Infant Colony, as in your Lordships Wisdom shall seem meet.

20 Sept. 1772. L. De St Pierre.

No 15 Southampton Buildings Chancery Lane.

Read March 10. 1772.

B. P. R. O. So Carolina B. T. Vol 23. P. 18.

1(27 Feb. 1772.)

Treasury Minutes 27th Febr 1772

Read Memorial of Louis de St Pierre &c &c

My Lords cannot take this Memorial into Consideration unless it comes recommended by the Board of Trade.

Recd
Read March 18 } 1772



B. P. R. O. S. Carolina B. T. Vol 23. P. 39.

(28 Febr 1772.)

At the Court at St James's
the 28th Day of February 1772.
Present
The King's most Excellent Majesty
in Council

Whereas there was this Day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs Dated the 25th of this Instant in the words following. Viz.

Your Majesty having been pleased by Your Order in Council of the 27th of December last to refer unto this Committee a Representation from the Lords Commissioners for Trade and Plantations, setting forth, "That they have had under their Consideration a Memorial presented to them by Lewis Dumesnil de St Pierre (One of Your Majesty's Justices of the Peace for the County of Granville in South Carolina, and Captain of a Company of Militia of the French Colony at New Bourdeaux in the said Province) stating, That on the 26th of September 1764 he embarked from London with a considerable Number of French and German Protestants for the purpose

"purpose of Settling and Establishing a Colony at
"Cape Sable within the Province of Nova Scotia, under
"Assurance of a Grant of Forty thousand Acres of Land,
"but having been driven out of his Course by Contrary
"Winds, he was obliged after enduring many and
"great Hardships to put into the Harbour of Charles
"Town in South Carolina, where he arrived on the
"10th of February 1768, in great Distress, ten of his
"People having died on the Passage. That being pre-
"vented of availing himself of his Lands in Nova
"Scotia, by the remainder of his People refusing to
"put to sea again, he was induced for the present
"to accept the offer made to him by Your Majesty's
"Governor Lord Charles Montague to settle with his
"People in that Province upon the usual Terms and
"Conditions of fifty Acres for each person with a
"small Tract for himself; That in consideration
"of these sufferings and Disappointments, as likewise
"of the Expences incurred to the Amount of two
"thousand pounds Sterling, the Petitioner humbly
"prayed to be recommended to Your Majesty for a
"Grant of Lands in the Province of Georgia propor-
"tioned to what he was intitled to in Nova Scotia
"Whereupon the said Lords Commissioners Represent,

"that

"that having been attended by Mr St Pierre in person
"and having no cause to doubt either of the Truth
"of the above Recital, or his Intention of carrying
"his proposals into Execution, he having left a con
"siderable number of Settlers on the Spot, and pro-
"vided himself already with a large quantity of
"Plants for the purpose of propogating the Growth
"and Culture of Vines in those parts - The said Lords
"Commissioners are humbly of Opinion that not only
"some Indulgence is due on Account of the sufferings
"and Expences of the Petitioner but also that it may
"be for your Majestys Service to Encourage his pro-
"posals by allowing him a reasonable Grant of Lands,
"and as it is stated by the petitioner as matter of
"Indifference to him whether this Grant be located
"in the Province of Georgia or that of South Carolina
"where his People are now Seated in a District which
"he represents to be well adapted to the Culture of
"Vines Silk and Indigo, the said Lords Commission-
"ers propose that the Governor of South Carolina may
"be directed to cause five thousand Acres of Land in
"that Province to be granted to the Petitioner in one
"Contiguous Tract upon the Terms and Conditions
"on which Lands in that Province has been usually
granted."

granted" — The Lords of the Committee in Obedience to your Majesty's said Order of Reference this Day took the said Representation into Consideration and agreeing in Opinion with the said Lords Commissioners for Trade and Plantations do humbly Report that it may be adviseable for your Majesty to direct the Governor of South Carolina to cause five thousand Acres of Land in that Province to be granted to the Petitioner in one contiguous Tract, upon the Terms and Conditions on which Lands in that Province have been usually granted.

His Majesty taking the said Report into Consideration, was pleased, with the Advice of His Privy Council, to approve thereof, and accordingly to Order as it is hereby Ordered that the Governor or Commander in Chief of His Majesty's Province of South Carolina for the time being, do cause a Grant to be passed under the Seal of the said Province to the said Lewis Dumesnil de St. Pierre of five thousand Acres of Land in one contiguous Tract in such part of the said Province as the Petitioner or his Agent shall choose (not already granted or Surveyed to others — and not possessed or claimed by the Indians upon the

the like Terms and Conditions on which Lands in that Province have been usually Granted - And the Governor, Lieutenant Governor, or Commander in Chief for the time being of His Majesty's said Province of South Carolina, and all others whom it may concern are required to carry his Majesty's Commands hereby signified into Execution.

Recd Dec 12
Read . 21 } 1772.

B.P.R.O. So Carolina B.T. Vol 23. P. 19.

(16 Mar 1772.)

To the Right Honourable The Lords Commissioners of His Majesty's Board of Trade and Plantations.

Louis de St Pierre most humbly submits the following Observations to your Lordships for the ascertaining and regulation of the Bounty humbly solicited by him to be granted by his most Gracious Majesty for the better encouragement of his Culture of Vines in South Carolina agreeable to his Memorial now lying before your Lordships.

1. That all the Casks or Vessels in which the Wines for which the Encouragement now solicited are to be imported shall be of Dimensions different from those of the several parts of Europe from whence Great Britain and her American Colonies are supplied
2. That all Wines of the growth of the British Colonies in America shall be imported into any part of His Majesty's Dominions in Hogsheads containing thirty, Sixty, or One Hundred and Twenty Gallons, and of no other Capacities whatsoever.
3. That each Hogshead shall be marked with the particular Mark of the Colony or Province where such

such Wines shall be made together with the name of the Place or District at full length: and such Mark shall be deposited in the Hands of some Magistrate or Officer appointed for that Colony or District and no other Person shall have Power to mark any Wines of the Growth of such Colony or District.

4. The proper Officer shall be obliged to mark every Year all the several Vessels of the aforesaid Contents only containing Wines made in his District at the Houses of the Persons who shall have made the said Wines as for instance — New Bourdeaux South Carolina. And such Magistrate or Officer shall also keep a Book wherein he shall enter the Exact Quantity of the Wines which he shall mark every year with the Number and Capacities of the Vessels containing it and of the respective Owners and Exporters thereof.

5. Every Proprietor of Wines who shall transport the said Wines to any Market Place shall carry three Certificates of the same Form and Tenor signed by such Officer or Magistrate for which he shall pay one Shilling sterling to such Officer or Magistrate who shall mark the Vessel and sign the

Certificate

Certificate and no more.

6. Every Certificate shall be of the following purport.-

I A. B. one of His Majesty's Justices of the Peace for the Province of ---------- now residing at ---------- do hereby certify that I have marked ---- Hogsheads of Wine of which ------ ---------- is the Proprietor and which is of the growth of his own Land at ---------- in the said Province each ---- containing ------ Gallons. In Witness whereof I have delivered to him this Certificate being first duly sealed and signed by me at ---------- this ---- day of ---- 17

7. The Bearer shall procure his Certificates to be Countersigned by the Governor or his Deputy whereof one shall be delivered to the Buyer in order that it may be registered in the Custom House Books belonging or nearest to the Place where such Wines shall be shipped for Exportation and shall be afterwards sent to the Custom House of the Port into which the said Wines shall be landed or to the Plantation Office of the Colony as shall be most convenient and the second Certificate shall be

transmitted

transmitted to the Treasurer who shall be empower-ed to pay the Bounty to the Proprietor. And the said Treasurer shall keep a book in which he shall enter the Number of Hogsheads or Vessels and their Capacities and that the said Wines were of the Growth of and made in the Province in which he resides: and every year at a time to be appoint-ed the Magistrate or Officer who shall be charged with marking the said Wines shall be obliged to collate his Book with that of the Treasurer.

8 The ..... of the Custom House in the Port of London and in the Outports into which Wines of the Growth of America shall be entered shall transmit yearly to the Treasurer or Magis-trate or Officer empowered to mark the said Wines, the name of the Place where the Wines were originally shipped a Copy of the Entry of the said Wines, by virtue of the produced Certificate signed as above by the Governor which shall have been delivered to them.

The same Method shall also be observed in the Outports.

Thus it will be easy to discover whether any malpractices have been attempted or if there

shewld

should happen, to find a proper Remedy for them

The third Certificate shall be delivered by the Proprietor to the Magistrate or Officer impowered to mark the Casks and Inspect the Wines together with the proper Officers respective Signatures thereon in order that he may be informed of the destination of the Wines for which he shall have paid the Bounty.

'Tis humbly hoped and believed that Louis de St Pierre will be always able to suggest sure means of preventing every Inconvenience arising from any Encouragement which your Lordships Patronage shall procure for this Safe at Branch of Commerce.

'Tis believed that the fittest time for the Commencement of the Bounty will be from the first day of February 1774. When the Quantity of Wines of the American growth will be greater, as well as their Quality better.

L de St Pierre

16 March 1772

Read March 28th 1772

B.P.R.O A. & W.I. Vol. 227

(No 51.) Whitehall 1st April 1772.

Lord Charles Montagu

My Lord.

I have received and laid before the King your Letter of the 25th January covering one to me from three of the Assistant Judges & having by His Majesty's Command transmitted a Copy of the South Carolina Circuit Act & also a Copy of the Assistant Judge's Letter to the Attorney and Solicitor General for their Opinion upon the Question stated by those Judges, inclosed I send you a Copy of the Report made to me thereupon, & I am to signify to you His Majesty's Pleasure that you do take such Steps as shall appear to you to be proper for securing to the Judges the payment of their Salaries conformable to the Attorney and Solicitor General's Opinion in case any attempt should be made to withold that Payment; but I cannot suppose that there is any serious intention of that sort in the Assembly upon so weak a pretence as the non-commencement of the Act when the Delay can in no respect be imputed to the Judges, but on the contrary is altogether occasioned by the delinquency of the Commissioners

appointed

appointed by the Province for erecting the necessary buildings in the several Districts.

I am &c

Hillsborough.

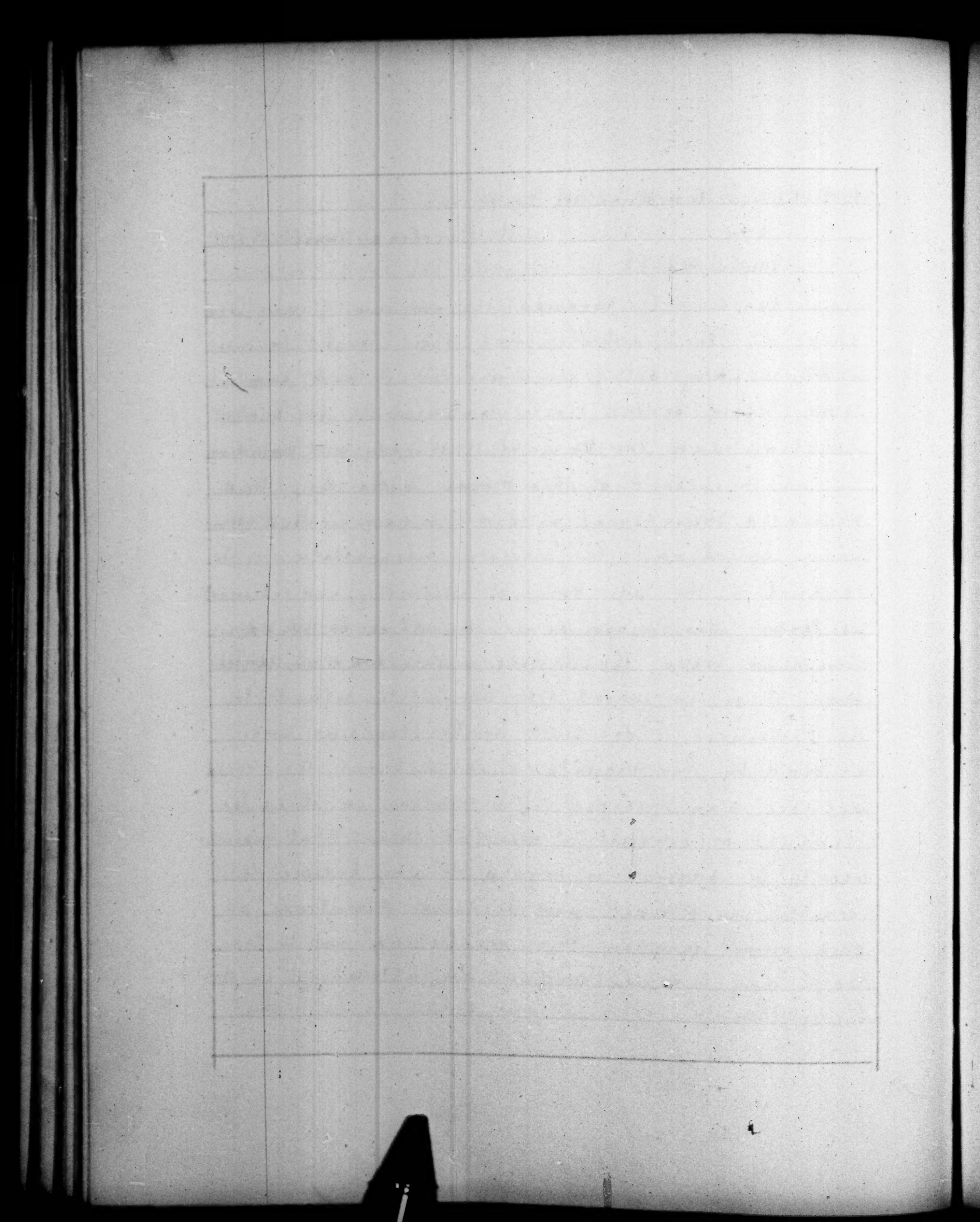
B. P. R. O. So Carolina B. T. Vol. 23 P. 20.

(9 April 1772.)

To the Right Honourable The Lords Commissioners of His Majesty's Board of Trade and Plantations

The Humble Memorial of L. D. St Pierre, his Majesty's Justice of the Peace and Captain of the Militia composed of French Protestants settled under the Gracious Protection of His Majesty's Royal Authority at New Bourdeaux in the Province of South Carolina.

(Note. Here follows a copy of the Petition, word for word, to the Treasury under date 20 Feb. 1772.)



B.P.R.O. A. & W.I. Vol 225.

No 4. So Carolina April 27th 1772.

My Lord,

I received the honour of your Lord-ship's by the Packett. That there might be no unnecessary delay in Business, I had some time before, order'd Writs to be issued for a new Election, and the House of Assembly met accordingly on the second of this Month: after they had presented their Speaker to me, I acquainted them, in a Speech, with his Majesty's disapprobation of the conduct of the late House of Assembly, and endeavour'd as far as was in my power, to adhere to the Advice in your letter: the Result of this was an Address from them, in which they absolutely refus'd to do Business under such restrictions as were enjoin'd by his Majesty's Instructions. As I could not see any prospect of alteration in their Sentiments or conduct, I dissolv'd them. What measures are to be pursued in regard to any future Assembly must wait your Lordship's directions, as they seem firm in their resolution not to transact any business without an alteration in the King's Instruction. I am sorry to say that

in

in regard to the members of the late Houses of Assembly. the majority of them implicitly gave up their own Opinions, to those of two or three old Members, who have ever been in opposition to Government, and who now please themselves with the Idea of distressing the King's Officers here, to whom so long Arrears are due — Mr Boslett arrivd here in the last Packett, since which, I have, with the advice of the Council issued Supersedeases to Mr Lowndes and Mr Powell. The day after the Meeting of the last Assembly Wm H. Drayton took his seat amongst the Council.

As I have not been well for some time past and the Hot Weather is coming on now fast. I propose setting out for New York in a few days

I have the honour to be
My Lord
Your Lordships
Obedient humble Servant
C G Montagu.

To the Earl of Hilsborough

Enclosing Copies of Govr Speech. Address of the Assembly. answer to address of the Assembly a Message to the Assembly.

B.P.R.O. A. & W.I. Vol 227

(1 June 1772.)

To the Right Honble The Earl of Hillsborough
One of His Majesty's Principal Secretaries of State.

The Memorial of Chas. Garth Agent of
His Majesty's Province of S. Carolina
Humbly Sheweth.

That the Governor of S. Carolina did on the 10th Day of April last dissolve the General Assembly convened so recently as the 2d of the same Month only; Whereby the legislative attention to the Interest & Welfare of the Province is again most unhappily interrupted at a time when His Excellency has been pleased to declare himself sensible of the many very important matters and necessary Regulations requiring their attention & Wisdom to mature, and after an assurance given by the Commons House that they will most chearfully and readily grant the supplies to His Majesty in the usual constitutional Mode for the support of Publick Credit and in furtherance of the Publick Service.

Duly sensible as the Province is of the Governor's sincere Anxiety for the Happiness & Prosperity of

of His Majesty's Subjects under his Government, & for that purpose of his Readiness to promote & forward the important Regulations His Excellency so well knows to be wanting throughout the Province, It was with deep Concern received by the House of Representatives when they were told that by a late Instruction "the Governor is required to adhere with "Firmness to the Directions contained in the ad- "ditional Instruction of the 11th of April 1770. it being "His Majesty's firm Resolution to adhere to the "Constitution": which Directions with the Restrictions therein specified so essentially interfering with an antient well known & established Privilege, The House was under the disagreable Necessity of as- serting that Privilege and the Opinion immemorially entertained of this invaluable Right of the Consti- tution and their indispensable Duty firmly to adhere thereunto; Little imagining and less expecting that an anxious desire & Resolution to maintain & abide by the Constitution and so much thereof as regards a Grant of Supplies to His Majesty, when his Service shall require, in the usual and accustomed Mode cd be capable of being construed so as to be deemed an Encroachment of His Majesty's just

just Prerogative, unsupported it is presumed by any Instance in which the Prerogative has ever been attempted to be exercised in the Way of Directions to the Representatives of the People touching any Thing whatsoever relative to the Matter the Manner the Time or any Qualification to be inserted as part of a Money Bill, all which are and ought to be judged of only by the Representatives of the People: For your Memorialist must beg Leave to observe that this is the only Point as far as the Proceedings of the last House had gone, which the House appears to have had under Deliberation and was at that time concerned to support, it is therefore rather extraordinary to pass such a Censure upon this House as a Dissolution is supposed to imply, for no other apparent Reason than a Declaration of their immemorial Rights and Privileges in opposition to Restrictions founded in a Claim of Prerogative altogether new, but required to be complied with in the very instant of opening a General Assembly.—

The Vindication of the Proceedings of the former House against whose Resolution the Instruction of April 1770 was framed, has already been laid before His Majesty's Ministers, and altho' it was kindly

hoped

hoped that long Usage and a Multitude of Precedents (in which the Practice of Issuing Orders with or without the concurrence of the Governor and Council seem to be governed according to the Sums wanted were to be taken either from funded & appropriated Moneys or from known Surplusses lying in the Treasurer's Hands for Application, yet as that House is no longer in Being, your Memorialist presumes to hope that a Measure, which to them appears unconstitutional as a Remedy, can with Propriety no longer appear necessary to be adhered to; In order that future Assemblies when convened may as usual meet the King's Representative, their Rights and Privileges on the one hand free and unaffected, His Majesty's Prerogative equally sacred on the other; Whereas subsisting this Instruction of the Restrictions specify'd, this most fundamental Right of Originating all Grants to His Majesty is oppugned in such sort that it will be impossible for any House of Assembly that can be convened ever to consent thereunto or to admit of any Interposition of any Authority to affect the Quality or Quantity in a Bill of Supply, which the last House was most heartily inclined to frame

and

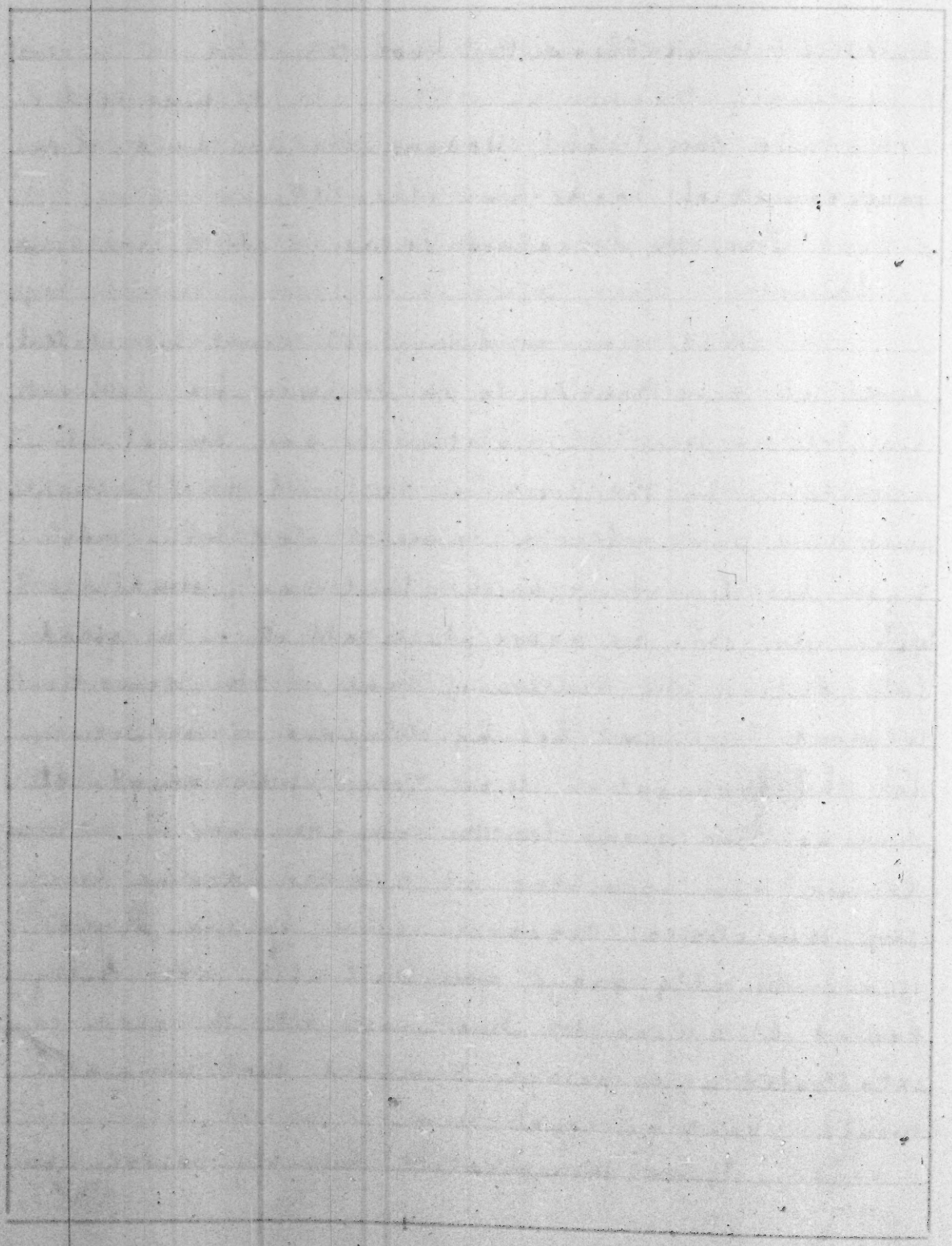
and wd most chearfully have completed in the usual & customary Manner, as well as to have forwarded & matured every other measure conducive to the welfare & interest of the Province:- All Proceedings for which Purposes being in an entire State of Interruption

Your Memorialist most humbly begs your Lordship's Representation of this Matter to His Majesty for a Recall of the Instruction of the 11th of April 1770, as the most effectual Mean whereby to restore publick Credit, to procure the supply wanted, and to accomplish all other the great & necessary Ends of Government within this His Majesty's Province.

And your Memorialist shall ever pray &c &c.

Chas Garth.

Queen Street
June 1st 1772.



B.P.R.O. So Carolina B.T. vol. 23. P. 21.

(4 June 1772.)

To the Right Honourable the Lords Commissioners of Trade and Plantations

The Memorial of Lewis de St Pierre Esqr

Sheweth,

That your memorialist since his establishment at New Bourdeaux in So Carolina, hath with his Settlers been left destitute of any Spiritual assistance by the death of the revd Mr Peter Boulton who died soon after his arrival, and being now upon his departure with about 200 Protestants vines dressers in order to establish on a solid foundation the Culture of Vines, Silk, Olives & Almond Trees, and having obtained of the Society for the Propagation of the Gospel fifty pounds St. during Two years for the maintenance of Mr. Peter levrier now appointed at New Bourdeaux, heretofore Minister at Pensacola, where he was seven years humbly prays you will also order Fifty pound St a year for Two years till the place is established as a parish provided that Government would Grant an equal Sum.

Your Memorialist humbly desires you would

would Grant him also one hundred and fifty muequets for the defence of him and his Settlers against the neighbouring Indians.

L de St Pierre.

4 June 1772.
No 15 Southampton Buildings.

Recd June 5th
Read " 16th } 1772.

B P R O A & W I. vol 227

№ 52.

Whitehall, June 6th 1772.

Lord Charles
Greville Montagu

My Lord,

As I have lately seen your Lordship's Speech to the Assembly and their Address in Answer in the publick Newspapers, I cannot help expressing to your Lordship my Surprize, at not having received any Letter from you since my last to your Lordship; and as I must suppose that some Accident has prevented your Letter from reaching me, I acquaint you thereof to prevent the like Surprize on the part of your Lordship from the Arrival of the Packet without any Letter from me.

I am &c
Hillsborough.

B. P. R. O. So Carolina B. T. vol 23. P. 22.

(No date)

To the Right Honourable the Lords Commissioners of Trade and Plantations.

The Petition of Robert Hankey of the City of London. Merchant.

Humbly Sheweth,

That Your Petitioner from the first beginning of Mr L. de St Pierres cultivating the vines in New Bordeaux S^th Carolina, has been instrumental as much as in his power for its success, and exerted every nerve, both by himself as by his friends in bringing so advantageous (tho' expensive) an undertaking to that perfection, that will be of the most lasting advantage, as well as honour to this Nation.

And your Petitioner having lately received different accounts from his friends in South Carolina that the plan so well constructed and conducted cannot fail of the desired success is ambitious of becoming himself a small instrument to the extension of so beneficial an undertaking humbly hopes that Your Lordships will of your Goodness recommend him to his Majesty

Majesty for a Tract of 2500 Acres. in order to
settle upon the same extensive plan, and under
the direction of Mr L De St Pierre, of whose in-
tegrity and abilities he is well acquainted

Recd August 8
Read Nov. 2 } [1772]

B.P.R.O. A & W.I. Vol 227

To Carolina Charles Town

My Lord, June 26 1772

An occurrence has lately happen'd here an account of which I think it necessary to lay before you in as concise a manner, as the nature of the case will admit of; referring you to the minutes of Council & the Chief Justice's letter, in consequence of which I regulated my conduct. Upon the Death of Mr Hughes, late Collector of the Customs in this Port, I appointed Mr Halley, Collector pro tempore, under the Great Seal, a Gentleman who has executed the Business of that Office, with great exactness & to the general satisfaction of the Gentlemen in Trade. In the mean time the Commissioners of the Customs at Boston issue a Deputation to supersede my appointment. As I apprehended my appointment was good untill a Warrant should be issued by the Lords of the Treasury appointing a Collector, I applied to the Chief Justice for his opinion on the case, it being a Point of Law. After deliberation, he digested his Opinion and reduced it to writing: I then call'd a Council being desirous to take every measure that might tend to defend my

my Prerogatives, as Governor and at the same time to preserve from violation those Powers which are vested by Law, in the Commissioners at Boston.- My doubt and the Chief Justice's Opinion were now laid before the Council, and this affair being a mere Point of Law, the Council naturally adopted the Opinion of the Chief Justice, who from his appointment by your Lordship, must be thought learned in the Law. By the advice of this Council founded upon the Chief Justice's Opinion in the Case, resulting from a deliberate consideration, I regulated my measures for the support of what I was thus advised was my just Prerogative.- I therefore proceeded in the case, without delay. After I had thus taken my measures, to my utter astonishment, I received a second Letter from the Chief Justice, contradicting his former Opinion and advice, and upon such principles, as on the Day before, he thought were not of such moment, as to occasion any other advice than that which he then join'd in giving in Council. However strange this conduct was, when I was already embarked in the affair, I call'd another Council upon the Subject of this second Letter; and they

concluded

concluded, that as the Chief Justice had offer'd no information and reason but what were before the Board on Monday, when after having canvass'd those Points, the Chief Justice had concurr'd in the advice then given, they therefore could not, but confirm that advice, as they saw no new cause of alteration — in conformity to the spirit of the former advice recommended that Mr Roupell should be suspended.

These my Lord are the Facts, relating to the question of the validity of the Commissioners appointment, and give me leave to make some observations upon them. — My conduct was regulated by advice of Council, originated upon the Chief Justice's Opinion on a Point of Law. If it should be asked, why the Council did not change their Opinion upon the Principles the Ch: Justice changed his, I answer, as one of the Members of the Council observ'd to me, That as the Ch: Justice had offer'd nothing new, to justify a new opinion, and as it was hereby experienced that the Chief Justice's opinion could not be depended upon, he could no longer confide in the Judgement of a Lawyer, who, upon the same

case

case and the same reasons, thought one day this way and the next day directly different, preferring a justifiable conformity in a doubtful case in Publick matters, to the hazard of trusting to so mutable an opinion.

In consequence of the above Proceedings in Council, I wrote to Mr Roupell, suspending him from acting as Collector. He refused to submit to my suspension, and continues to act in defiance of it, the Council advising me to wave any further proceedings to support the suspension. And thus, My Lord, the Dispute is become totally changed. The Question now, is not, the validity of the Commissioners Appointment, for mine has yielded to it, and Mr Roupell being acting Collector under their appointment is a Demonstration, that the Question who shall appoint exists no longer in Fact. But the Question is whether or no, a Governor's suspension is to be put at defiance with impunity. The Prerogative of suspending is denied publickly, even by overt acts. As I can suspend the highest Officer in my Government, surely I must have a power to suspend an Officer in the Customs. But at any rate this Act of

Authority

Authority was exercis'd in Jamaica in the instance of James Charles Sholto Douglas, Collector: the suspension was confirmed, and thereby the act of suspension incontestably allowd to be a Prerogative vested in a Governor. The Propriety of issueing a suspension, neither can add to, nor take from the efficacy of its operation.— The exercise of this Prerogative is at the Govenors Peril, and if he does it without just cause, he is answerable to His Majesty, in his Publick Character and to the party aggrievd, in his private Character, by damages at Law. I conceive, My Lord, that for the Honor, Dignity & safety of the Crown, a Governor's suspension should have an absolute, irresistable and immediate operation. And I should be astonished to find this Position denied, if I did not know that it is too much the custom here to doubt of the Prerogative of the Crown, and that acts do soon arise in consequence of doubts. From your Lordship's known steadiness in support of the King's Prerogative, I do not in the least doubt, but that that part of it that is delegated to me, will be strongly supported in

a

a Country like this, where too many reluctantly obey Government, and some are so hardy, as to fly in the face of Authority, I can scarce think it necessary to recommend, that such a contumacious behaviour, be punished in terrorem. Mr Roupell acts now, as Collector of the Customs, as Deputy Postmaster General, and a Searcher in the Customs. Mr Morris whom I have likewise suspended, and who acts in violation of that authority, is Comptroller of the Customs.

With this I take the Liberty of transmitting to you the Minutes of the Councils, and such papers as seem immediately to be connected with this subject

I remain
my Lord
Your Lordship's
Obedient humble Servant
C. G. Montagu

Enclosures.

Copy of a Minute of Council of the 15th 16th & 18th of June 1772 relative to the Appointment of Mr Hatley by the Govr to be Collector of the Customs at Charles Town.

Enclosure

(Enclosure.)

My Lord

I have at your Lordship's desire considered the Case stated in your Lordship's Letter, and also a Copy of the 49th Instruction inclos'd therein. — I observe that by an Act of Parliament passed in the 7th year of his present Majesty Ch: 41st The King is impowered to put the American Customs & Dutys, from time to time under the management & Direction of such Commissioners to reside in the American Plantations as his Majesty his Heirs & Successors by his or their Commission or Commissions under the Great Seal of Great Britain shall judge to be most for the advantage of Trade, & Security of the Revenue of the British Colonies.- it is then provided by the same Act that the Commissioners so to be appointed, or any three of them, shall have the same powers & Authoritys for carrying into Execution the Revenue Laws of the American Colonys as were before the passing of the Act, exercised by the Commissioners of the Customs in England.

This is the Act under which the American Commissioners were appointed. No power is thereby

thereby given them in regard to the appointment of the inferior Officers of the Revenue; the Right of appointment still remains in the Crown but how far the King by his Instructions to his American Commissioners, has impowered them in this Respect, it is impossible for me to say, it does not appear to me whether your Lordship's 49th Instruction, is of a prior or posterior date to the Erection of the American Commission, if it is posterior, the Probability is that the Commissioners are with no Powers repugnant to it, but if the Board of Commissioners was appointed subsequent to the Instruction it is possible the Commissioners may be vested with Authority to controul those Powers in Revenue matters, before that exercised by the American Governors, but admitting that to be the case, as your Lordship has had no notice of their being cloathed with such Power, you are not to presume they have it, especially when it curtails the Power expressly given to you by the King in his Instruction; in my opinion therefore your Lordship may from your 49th Instruction clearly justify yourself in supporting your own appointment of a Collector, untill you have represented the

matter

matter to the Commissioners of Trade and Plantations, & untill the Office is disposed of by the King under the Great Seal of England, or under the King's Signet & Sign Manual; or untill you receive his Majesty's further directions therein

(Signed)

June 14. 1772. Thos Knox Gordon.

(Enclosure.)

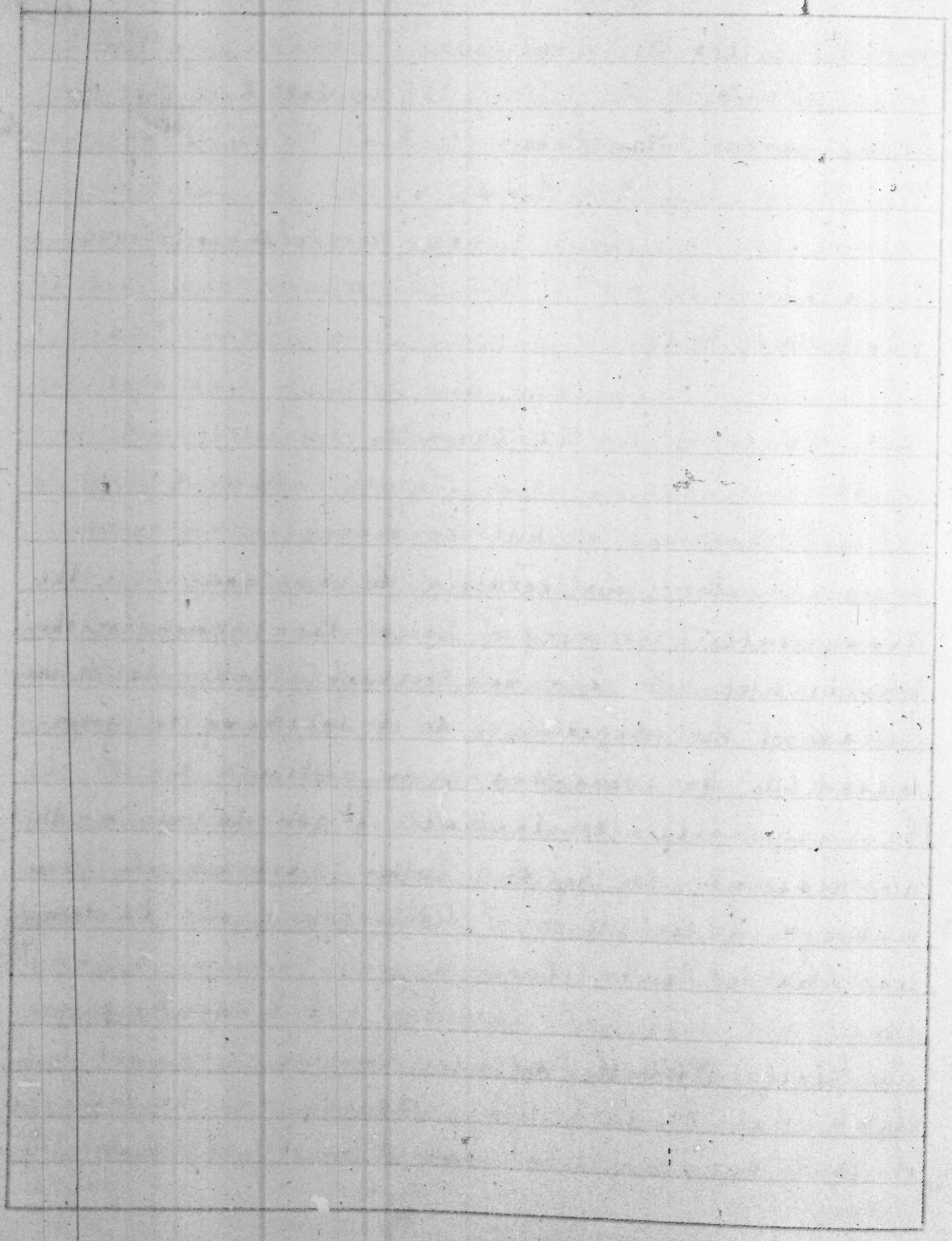
Sr June 16. 1772

Upon a farther consideration of your appointment of Collector of the Customs, by the Commissioners at Boston, it is the Opinion of the Members of His Majesty's Council, that your Commission not appearing to be a legal one, you ought to be suspended from acting.

These sentiments I concur in, and accordingly do, by this Letter, suspend you from acting in the Office of Collector of the Customs in Charles Town

G. G Montagu.

To George Roupell Esqr



B.P.R.O. A. & W.I. Vol 227

(No 53.) Whitehall July 1st 1772.

Lord Charles G. Montagu

My Lord,

I have received your Lordships dispatch of the 27th of April No 4, and have laid it before the King.

I am very sorry to find that the lower House of the late Assembly persisted with so much obstinacy in their unwarrantable claim to the sole Disposal of publick Money, as to make it necessary for your Lordship to come again to the disagreeable Extremity of Dissolution. Your Lordship who is upon the Spot, can certainly judge better than I can of the properest mode of speaking to your Assembly. For this reason, my letter of the 11th of January last, after instructing you to inform the new Assembly in general Terms of His Majesty's Resolution to adhere to the Instructions you had received leaves an entire Latitude to your Judgement, and I doubt not that your Lordship has made the proper use of it. — At this distance, however, I cannot but think that the particular relation in the beginning of your Speech of what passed in the late Assembly could

could have no Tendency but to inflame, and that which you say, towards the conclusion of your Speech of the Assembly's mispending their time in preparing Bills, brought matters to an immediate unnecessary Issue, and laid the foundation for that ill-tempered Declaration contained in their Address, in consequence of which you thought fit to dissolve them; tho' perhaps, under all circumstances, it might have been as well to have first tried the effect of a Prorogation.

I would not be understood to convey any censure upon your Lordship's Conduct, but in the present very delicate circumstances, of the Province, it will be highly necessary for your Lordship to weigh and consider well every Expression you make use of, and every thing you do, for, as the consequences of this unhappy Contest do, & will probably, continue to grow more & more serious every day, it is of peculiar Importance that Government should be entirely in the right; when therefore your Lordship means to adhere with firmness, it is necessary most carefully to avoid all Appearance of Violence and Intemperance, & when you mean to soothe and conciliate, it will be as necessary

that

that your Measures should have no Appearance of Timidity or Irresolution

After this Explanation of my Sentiments upon what has already passed, I cannot but entertain a hope, that when the new Assembly meets (which it is His Majesty's Pleasure should sit for the dispatch of business as soon as possible) the point in dispute may be brought to a favorable Issue, and that however unwilling the Assembly may be to recede from their Opinion, or however forward to express it, they may, by a calm & temperate Conduct on your Lordship's part, be induced to desist from any further attempts to carry their unconstitutional Claim into effect, in which case only Your Lordship is, by my letter of the 11th of January, directed to dissolve or prorogue them.

I have already, in former letters, said that I believe, & I still continue in the belief, that by far the greatest part of the thinking & considerate Men in the Colony are not averse to those restrictions with regard to the Issue of publick Money which are prescribed by His Majesty's additional Instruction, & which therefore

fore-fathers in the first Establishment of the Colony thought wise & necessary: If this should be the case, and if the only dispute should be, as I really think it is, in what mode those Checks should be re-enacted, & the true principles of the Constitution restored, I see no objection to Your Lordship's giving your Assent to any general declaratory Law which the Assembly may be induced, of their own Motion, to propose, and which Your Lordship and the Council shall think precise & effectual to these purposes.

If such a Law should be adopted by them, every Intention of the additional Instruction will be answered. Their Money Bills will pass in the form they have been used to do, and any application to those Bills of the directions contained in that Instruction will become unnecessary, provided they do not contain Clauses repugnant to such general declaratory Law.

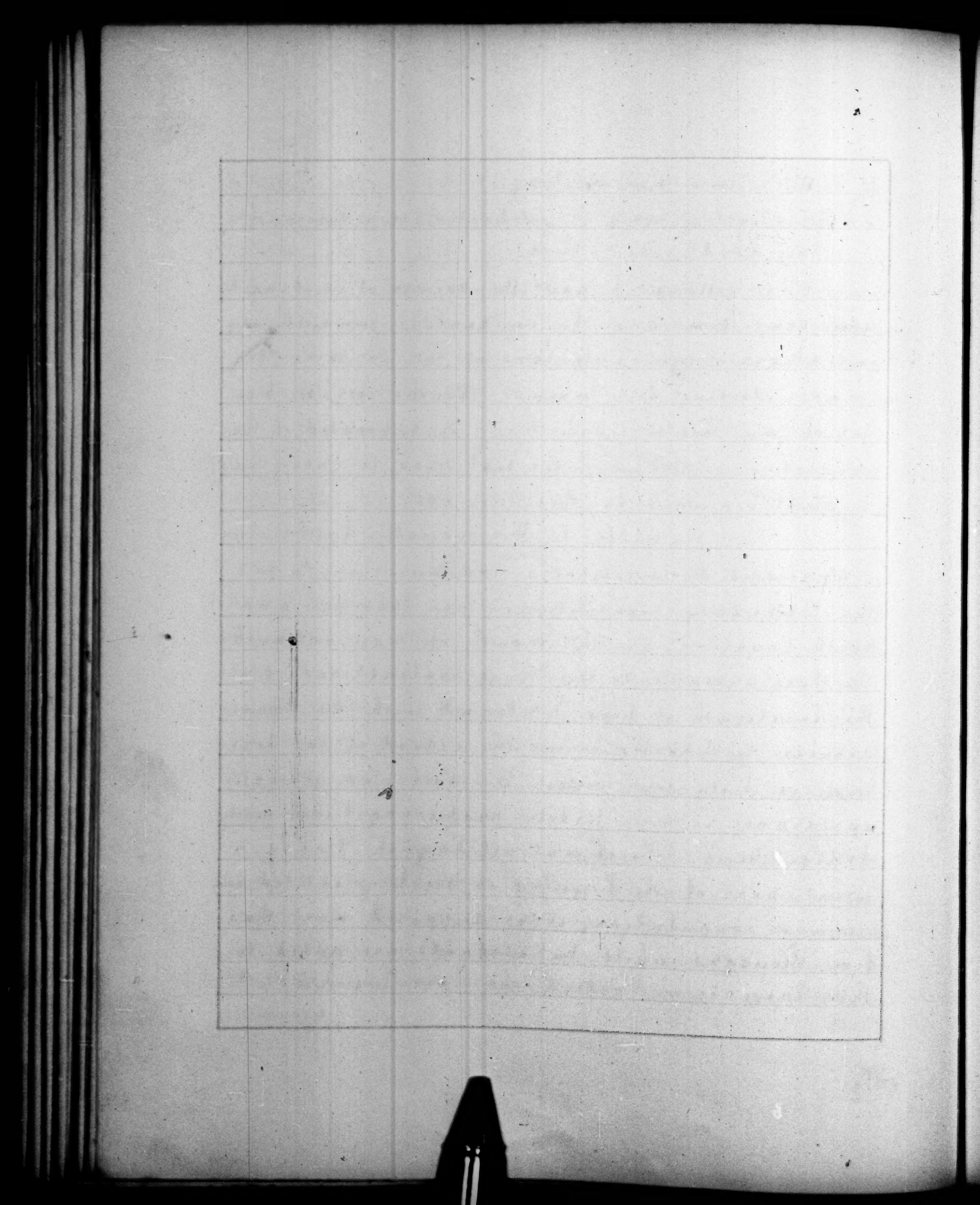
If such a Proposal as this should be made to Your Lordship (for it is by no means my Intention that it should come from you) your ready Acceptance of it will surely evince the King's Moderation, and demonstrate to every one (what is the

the real Truth) that His Majesty is equally tender of the Privileges of every Branch of the Legislature.

I shall be very glad if this letter may find your Lordship returned from New York perfectly recovered of the Indisposition that obliged you to leave your Government

I am &c

Hillsborough



B.P.R.O. C. & N.I. Vol. 227.

Charles Town July 27. 1772.

My Lord,

When I had the Honour of writing to you some time ago, I acquainted you with my intentions of going to some of the Northern Provinces, during the Summer Months, for the benefit of my health, but being dissapointed of the arrival of a Vessel here, that was to carry me I still continue in this Province.

Agreable to His Majesty's Instructions I appointed Commissioners and Surveyors to run the Boundary Line between this Province and North Carolina, in the Month of May and mark'd the line agreable to the King's Instructions. On the fourteenth of June I return'd with the Commissioners to Charles Town. The extent of the Line run is Sixty five miles, the soil and general appearance is very fertile, producing luxuriantly Indigo, Hemp, Tobacco, and all English Grains; a great part of the Country is thickly settled, and upon a computation, it is supposed more than five thousand white Inhabitants are added to this Province. — I order'd the Line Surveyd, to be

accurately

accurately drawn out, and have transmitted it to you, by this conveyance. I must beg your Lordship will observe, that upon the exactest survey the course of Broad River, laid down in this Plan, entirely coincides with the account I gave Your Lordship of it, when I was in England, and the matter was then agitated; and not agreable to the supposition of its course laid down in a Map sent Your Lordship from North Carolina.

I am now, my Lord in daily expectations of receiving directions from you in regard to calling a new Assembly.— I have not been able to procure a House in Town, neither do the Gentlemen of the Province at all interest themselves in procuring of one. I have been advised by some of the Gentlemen of His Majesty's Council, to call the new Assembly at Port Royal, as the Gentlemen of Charles Town would then become more sensible of the great inconveniences arising from the want of a Governor's House at or near the Metropolis. This is a measure I shall by no means hastily adopt, as I have always made it my study to remove any obstacle to Publick Business, and to avoid whatever might unnecessarily tend to

increase

increase the too general prejudice against His Majestys Officers in this Province; but unless a House in Charles Town is provided for me, I shall of necessity be compelled to follow the above advice, and I think My Lord, I foresee a probability of many advantages arising to the Publick from it, as the principal promoters of opposition, reside in or near Charles Town, whose Private Interests will not allow their being long absent from it.

I am

My Lord

Your Lordships

Most Obedient

Humble Servant

G. G. Montagu

To the Earl of Hilsborough

B. P. R. O. A. & W. I. Vol. 227.

St. Carolina Aug. 2d 1772.

My Lord,

I beg leave to represent to you the great want of Members of His Majesty's Council to do Business in this Province. — The following is a List of the Members names, with a few observations upon them.

The Lieutenant Governor	Never sits in Council, when it makes part of the Legislature.
Othneale Beale Esqr	Is very infirm and frequently prevented attending by sickness.
John Drayton Esqr	Resides constantly in the Country, and has not attended Council, more than three times since I have been in the Province notwithstanding his being summoned.
John Burn Esqr	Has left the Province with an intention not to return.

Daniel Blake Esqr	Going to England immediately not to return in less than three years.
Egerton Leigh Esqr	Has been off the Province above a year.
Thomas Skottowe Esqr	Constant attendants at Council
William H. Drayton Esqr	
The Chief Justice	Often prevented attending by Business in the Courts of Justice.
John Stuart Esqr	Seldom attends, being usually either laid up with the Gout, or attending Indian Affairs.
Bernard Elliot Esqr	Has not yet qualify'd.

You may observe by this account, that in fact I can only depend upon two Members, the inconvenience arising from which, your Lordship must be very sensible of. I beg leave to advise John Drayton Esqr to be removed from the Council, for non-attendance; and to recommend the Gentlemen whose names are hereafter mentioned, as proper persons to be members of the Council, and if His Majesty should think proper to appoint them the Council Board will

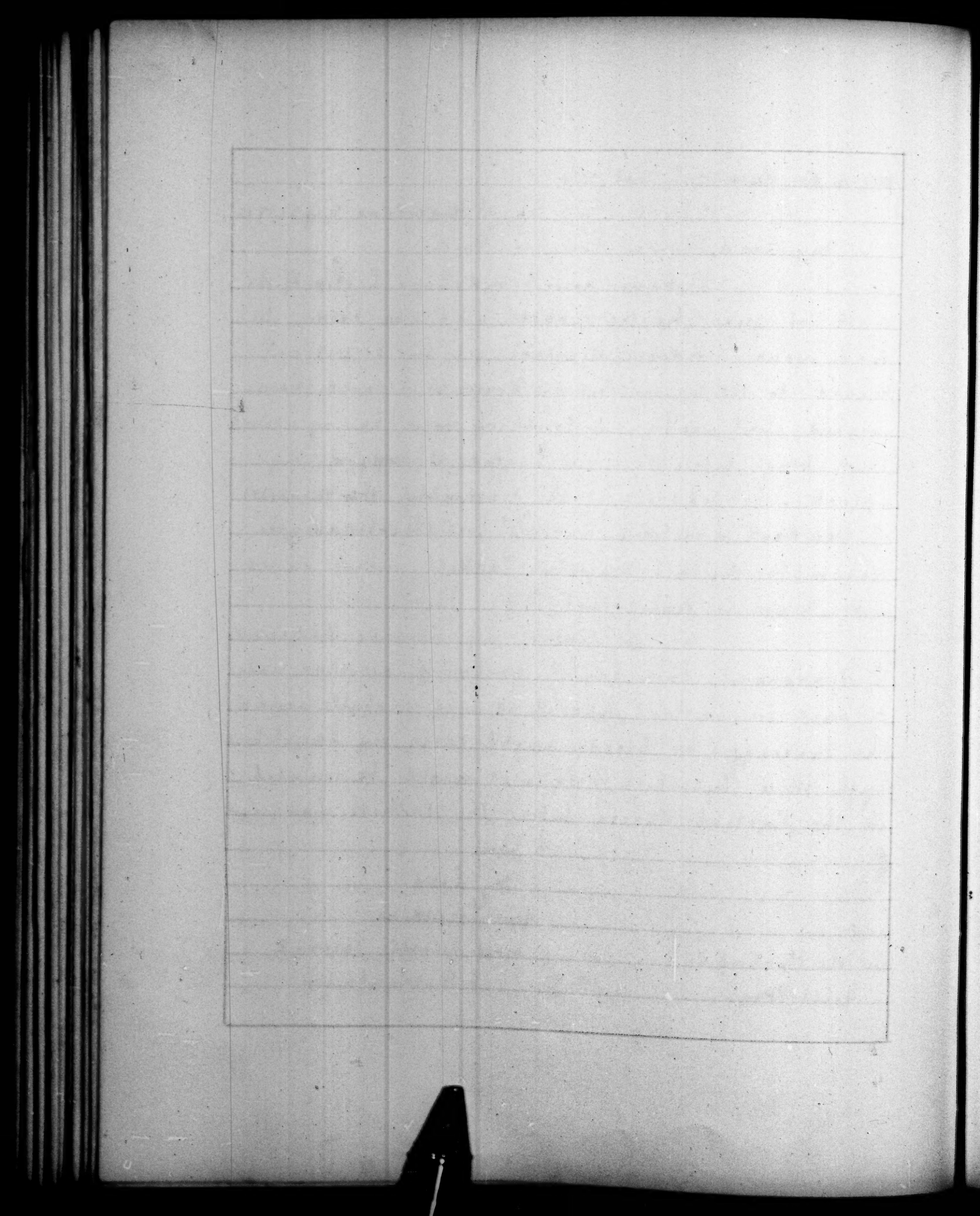
then

then be full.

Charles Pinckney Senr
Thomas Loughton Smith
Benjamin Huger Esqrs
Charles Cotesett
Edward Savage.

I am
My Lord
Your Lordships
Obedient humble Servt
C G Montagu.

To the Earl of Helsbro.



B.P.R.O. A & W.I. Vol 227

S. Carolina Aug 22. 1772

My Lord,

I have your Lordship's Letter of the sixth of June, by the Packett, and am sorry to find your Lordship did not get my Letters in regard to the Assembly, so soon as I could have wished, but make no doubt of your having received them long before this, as I sent a copy of my Speech, the Address of the Assembly, the Minutes of Council, and my motives for dissolving the Assembly; by His Majesty's Packett, which sailed from hence in April last.

At the time of my meeting the Assembly a Merchant Ship, lay at Anchor off our Bar, ready to sail for England, and it is very probable some of the Passengers on board, might carry my Speech home with them, by which means it might be printed in the English Papers, before the Packett was arrived.

I am

My Lord

your Lordships

most humble Servant

B. G. Montagu

To the Earl of
Hilsborough.

B.P.R.O. A-W.I. Vol 227

South Carolina

My Lord, Fort Johnston Sept 24/772.

By this Packet I received the favour of your Lordship's Letter. N° 53. the contents of which could not fail to give me some uneasiness as in that, tho' Your Lordship says, that you do not mean to convey any censure on my conduct, you at the same time express your disapprobation of many things in my Speech to the Assembly, and think the mode of prorogation would have had a better effect than a Dissolution. Your Letter to me, before the meeting of the last Assembly was expressed in very strong terms, and I endeavoured to the best of my judgement, to act in conformity to it. I have now had the honour of serving his Majesty more than six years; my earnest inclination to support the honor of Government and promote the Kings Service have naturally led me to apply my utmost attention to discover the principles, prejudices, and intentions of those men who have most weight in opposition here. In consequence of this inquiry and the most cool deliberation, I thought it most adviseable

for

for his Majesty's Service, to be explicit to them in my Speech, well knowing, from themselves, that they were determined to insert in the Tax Bill the Clause, objected to relative to the fifteen hundred Pounds, and they might otherwise have made a Plea of their not knowing His Majesty's Pleasure. I dissolved them, My Lord, and not prorogued them, because I was thoroughly convinced, that nothing but a change of Members could make a change of Measures.—

I have now My Lord called the Assembly to meet at Beaufort, Port Royal on the Eighth day of October, and will lay before you my reasons for such a step. I am sorry to find myself convinced that whilst Government perseveres in mild measures, a Tax Bill will not be passed here, without the Fifteen hundred pounds being provided for; and I can assure you, there will not be even a chance that the additional clause of the Instruction be inserted in the Bill, neither will a seperate Declaratory Act, be even thought of by the Assembly, who as often as they have it in their Power, are resolved to persevere in their claim upon the Treasury, by committing the Treasurers.

The

The Members of Opposition, who expect to be again chose into the Assembly, have already had a meeting, and come to the following resolutions

1st That they will pass no Tax Bill without the Fifteen hundred pounds being included in it

2dly That they will pass no Tax Bill wherein the particular clause mentioned in the Additional Instruction shall be included.

3dly That they will upon no account pass any Declaratory Act.

To this information, my Lord, I think you may give as much credit, as to any information, that is not of Divine inspiration, upon such a subject, can deserve. —

Having from the situation of our Affairs, and a knowledge of the men most violent in Opposition, deduced the above consequences, I thought if such men could, by any constitutional operation of Government, be thrown out from attendance in Assembly, the contested Affair would have the best, and indeed the only chance it could have (without a violent exertion of Administration) to be reasonably settled. — The measure of calling the Assembly to Beaufort, naturally pointed out itself as the only

only means to throw such Men out of an Attendance in Assembly. For by the nature of their private Affairs, they either cannot be often absent from Charles Town, or for any length of time, or at such times, as their Affairs in the Country will allow them to be, and make their presence necessary in Charles Town. Altho' even under such circumstances, they might attend at first, out of their natural Spirit, yet frequent Prorogations and for a short time, must be insuperable Bars to their giving such an attendance at Beaufort, as could for any length of time obstruct a Tax Bill - For the Members for the Beaufort part of the Province, residing there would be always on the spot at the different Meetings of the Assembly, ready to seize an opportunity, in the absence of the Violent Party, either to exclude them, by a Vote of non-Attendance, or to dispatch the Business out of hand, before they could arrive at Beaufort. 'Tis the interest of the Beaufort Gentlemen to ingratiate themselves to Government, as they know their Harbour and Bar exceed any in this Province, hoping by such a Behaviour, that the Seat of Government might be fixed in their Town. - The calling the

assembly

Assembly there, has already produced such a sentiment, and they have gone so far as to declare, that they would at their private Expence build a Provincial House for the Governor, had they any reason to believe the Assembly would be continued there, and I do not doubt of their forming a party there which they cannot form in Charles Town. The Men in Opposition here being always on the spot, will easily defeat any such intention. Besides, My Lord, the situation of Beaufort is so advantageous, that if the Province were only impressed with an Idea that Administration would continue the sittings of the Assemblys there, the Charles Town Interest must receive such an alarm, for their private interest, that rather than run an apparent risque of seeing the seat of Government fix'd at Beaufort, they would in all probability be glad to accomodate the Affair out of hand only to bring the Seat of Government back to Charles Town.— These, My Lord, are the principles upon which I have judged it necessary to summon the ensuing Assembly to meet at Beaufort. Such appearing to me the only constitutional cogent measure that can be adopted to induce the Assembly to transact Business agreable

to

to the Additional Instruction. My apparent reason to the Publick was, that as I could not procure a Residence in Charles Town, for want of which myself and family have not only endured great Hardships but a loss of Health, particularly this Autumn, I could not summon the Assembly to Charles Town, it being indispensably necessary, especially in this conjuncture of Affairs, that I should have an hourly access to their Journals, and a constant knowledge of their proceedings. Upon these reasons alone, any Member of the Council, who objected difficulties arising from the Assembly's meeting at Beaufort, in effect retracted the opposition, by voluntary signing of Writs of Election. I delayed issuing the Writs as long as possible in hopes to have received your Instructions, but the time limited by Law for the calling an Assembly being arrived, I could not delay any longer. I received your Lordship's Letter eight days after. I wished I had received it so many days sooner; For as it is my Duty so it is also my hearty inclination to pay the most punctual Obedience to the Kings Instructions, signified to me by Your Lordship.— As a proof of this disposition, I shall with

with alacrity sacrifice that System of Policy, which my knowledge of things in this Country, and my Zeal for His Majesty's service, prompted me to adopt, in order to pay due reverence to the King's pleasure, that the Assembly do sit as soon as possible for the dispatch of Business. As they will sit with most pleasure at Charles Town, I shall at Beaufort prorogue them to a very short day, to meet at Charles Town, but altho' I shall endeavour my speech shall have a conciliating Tendency, I cannot flatter you with the least hopes that they will do any Business; and altho' I must encounter anger for having summoned the Assembly in a different place, I doubt not but my Zeal for the King's honour and Service, will be a sufficient justification of my conduct at home, for entering upon this measure, upon such principles, as I have already laid before you. Whilst I am upon this subject, I not only think it my indispensible Duty to recommend to your Lordship the prosecution of the above measure but likewise to inform you that unless the few — Zealous Friends to administration here, receive some Countenance from home, 'tis not possible they should bear up against the accumulating load of censure

and

and private injuries and ill will, which they are sure of meeting with, if they exert themselves on the side of Government. If such are obliged to give way, the Kings business will receive but little service from some of our principal place men ... too well disposed to please both parties, to enjoy the emoluments of their places, and live easy with the People. I shall trouble your Lordship no further at present, but shall write by the first opportunity after the meeting of the Assembly.

I have the honour to be
My Lord
Your Lordships
Most Obedient Humble
Servant
C. G. Montagu.

To the Rt Honble
The Earl of Hilsborough.

B. P. R. O. A. — W. I. Vol. 227

Whitehall Sept 27th 1772.

Govr of South Carolina

(No. 1) My Lord

Your Lordships dispatches to the Earl of Hilsborough of the 25th of June, 27th July and 2d August last, have been received and laid before the King.

I shall not enter into motives which induced your Lordship to suspend the Collector and the Comptroller of the Customs at Charles Town from acting in those Offices: your Lordship very properly observes that by their refusing to submit to such suspension and by continuing to act in defiance thereof, the Question is no longer who shall appoint to those Offices in the case which you state, but whether the Directions contained in your Lordships Instructions extended to the impowering you to suspend; and as this Question will, as I conceive, altogether depend upon the nature of the Commissions under which these Gentlemen acted, I have wrote to the Lords of the Treasury for such information as may enable me to form a Judgement upon this matter.

The

The neglecting to provide a house for the accomodation of the Kings Governor seems to be disgraceful to the Colony; but I very much doubt of the propriety of the measure your Lordship is advised to pursue of calling the new Assembly at Port Royal before His Majesty's Pleasure upon a step of so much Importance could have been known; and I must confess to your Lordship that I do not upon the Grounds stated in your Lordship's Letter see the utility of a measure that can have no other effect than subject the Members of the Assembly to great Inconvenience, & consequently to increase that ill humour which has already too unfortunately prevailed.

The state of the Council as represented in your Lordship's Letter of the 2d of August certainly requires consideration, and I will not fail to communicate it to the Lords of Trade as soon as that Board meets for the dispatch of Publick Business

I am &c

Dartmouth

B.P.R.O. A & W.I. Vol. 227

Charles Town Octr 20th 1772.

My Lord,

In my last Letter I acquainted your Lordship with my reasons for calling the Assembly to meet at Beaufort, but that, in consequence of the conciliating measures recommended in your Letter, I should at their first meeting prorogue them to Charles Town. The Assembly accordingly met on the eighth of this month, when after having approv'd of their Speaker, I prorogued them in my Speech, to meet at Charles Town the 22^d instant.

A Copy of my Speech, I inclose to your Lordship.

I have the honor to be
My Lord
Your Lordship's
most obedient humble Servt
C. G Montagu.

To the Earl of Hilsborough

(Enclosure)

Copy of Governor's Speech to Assembly dated Beaufort. 10th Oct. 1772.

B.P.R.O So Carolina B.T. Vol 29 p. 1161

2 Nov 1772.

To the King's most Excellent Majesty

May it please your Majesty.

John Burn Esqr one of Your Majesty's Council in the Province of South Carolina, having quitted the said Province with an intention not to return, and Charles Pinckney Senr Esquire having been recommended to us as a person every way qualified to serve your Majesty in that station. We humbly beg leave to propose that he may be appointed of Your Majesty's said Council in the room of the said John Burn

Which is most humbly submitted

Dartmouth
Bamber Gascoyne
Greville
Garlies

Whitehall
Novr 2. 1772.

B.P.R.O. A. & W. I. Vol. 227.

No 2. Whitehall 4th Nov. 1772.

Lord Chas. G. Montagu.

My Lord,

As there is no part of the Kings Service in America that requires more attention than the enforcing by all proper methods a due attendance of the Members of His Majestys Councils in the said Colonies, guarding at the same time with the greatest caution against any deviation from the original Constitution of those Councils. I have not failed to give the fullest attention to your Lordship's letter to Lords Hillsborough on that subject of the 2d of August last.

The non-attendance & neglect of Duty in those whom His Majesty has honoured with appointments to be of the Council of So Carolina, is equally disrespectful to the Crown and injurious to the Welfare of the Province, the conduct of those, who, having accepted nominations, refuse to qualify is still more reprehensible and bodily infirmity is no excuse for non-attendance seeing that no man ought to hold an Office of such a Nature, when he is unable to perform the Duty of it.

With

With regard therefore to the case of Mr. Oh-
-niel Beal & Mr. John Drayton, I have no doubt that
they will think it their Duty when this matter is
properly stated to them by your Lordship, and
they see the prejudice which His Majesty's Service
receives by their non Attendance either to be more
punctual in that respect or will no longer stand
in the way of those who may have more leisure
from their private affairs, and better Health, but
if after such Representation they shall decline
either to attend or to resign their Seats, it will be
your Duty to acquaint me therewith, in order that
I may take the King's pleasure thereupon.

With regard to Mr Elliot and Mr Deas,
for the latter of whom there is now a Warrant of
appointment lying in my office, I shall not hesitate
to recommend the Revocation of their Appointments,
if when I hear further from you, it shall appear
that the former has not qualified, and that the Warrant
for the latter shall not have been taken out. But
whilst the number of the Council according to the
Constitution is complete, (as your Lordship will see
it is by the enclosed list) I must not advise His
Majesty to add to that number, nor do I think it

fit

fit to supersede any of the above Gentlemen until they have been first apprized of the necessity of their either giving a more regular attendance or resigning their Seats.

With regard to Mr Burn as Your Lordship certifies that he has left the Province without any intention of returning, the Lords of Trade have recommended the elder Mr Pinckney to succeed him, trusting that you have not failed to mention the matter to him, & that he as well as the other Gentlemen you have recommended have consented to serve in that station, & have given the necessary directions to their Friends here to take out their Warrants in case His Majesty shall approve their Appointment

I am &c.

Dartmouth.

B.P.R.O. A. & W.I. vol 227.

S: Carolina Novr 14th 1772

My Lord,

I had the honor of your Lordship's Letter, dated Augt 11th and give me leave to congratulate you on your appointment.

Inclosed Your Lordship will receive some Resolves, which the Commons House of Assembly here, enter'd into on the 30th of last Month together with some strictures upon them, which are published with a view to counteract the ill impressions those Resolves, might, perhaps make here. During the sitting of the Assembly I caus'd the Journals of their Proceedings to be brought every day, that I might have the earliest information of their Councils. - On the day when the Committee had reported the Resolves and Measures which they advis'd to the House, I sent as usual, apprehending some violent counsels, to the Clerk of the House, for the Journals; he answered that the Speaker had taken them into his possession. I then wrote to the Speaker to desire the Journals might be immediately sent to me. I did not receive any answer from him. Next day, when the House

enter'd

enter'd into those Resolves, the Clerk brought the Journals to me about ten minutes before the meeting of the House, so blotted and interlin'd, that in those few minutes, I could not so possess myself of their intentions, as to form a Judgement of them. Therefore as their Designs had been thus artfully conceal'd by withholding the Journals from me, I came to an immediate resolution to proroque the House for a few days, to prevent their entering into any violent resolutions & to allow myself a short time to form a mature judgement upon the subject.— I immediately went to the Council Chamber and sent and commanded the immediate attendance of the Commons. But they (a proceeding unprecedented in the Parliamentary Journals) after having receiv'd my Commands, continued to sit and form Resolves and Orders. This latter behaviour I did not know till I saw the Journals of that day, after I had proroqued them till the 10th of this Month. Before the day to which the Assembly is proroqued, I shall lay the Speaker's behaviour and the unparliamentary proceedings of the House, before His Majesty's Council for their Opinion. For I think it at

least

least imprudent to allow that Commons House to exist, whose Speaker with holds their Journals from me, and who after having my Commands, refuse to pay a parliamentary obedience to them. And I shall be the easier induced to dissolve this House, as they had read the Tax Bill twice, in as obnoxious a form as ever. And Your Lordship knows, if no material alteration in a Bill is made at the second reading, it is scarce to be looked for at a third.

It is needless for me to make any particular observations on the inconsistency or querulous nature of the Resolves, or the violent attack which they seem to make upon the Kings Prerogative, which altho' they say, has never been disputed, they do now, most absolutely dispute, judge of and condemn, in the harshest terms. For as from Your Lordship's knowledge of what is the King's Prerogative & what is Parliamentary, you must be already possessed of all that I can say upon the Subject and be fully aware, how dangerous it is, to allow Houses of Assembly to proceed, as it were daily in altering the usage of Parliament, thereby shaking the power of the King in the most alarming

manner

manner and changing the very Nature of the Constitution.

For here are three innovations made by the Commons, a Disposal of the Public Money of their sole authority, the grand subject in dispute for three years past, and which they still persist in. Their proceeding upon business after being summoned to attend the Governor, and the Committee of Correspondence continuing to act as a Committee, even after a Prorogation. For Your Lordship will see, by the Journals, that they had not time, to write to their Agent in pursuance of the Order of the House, before the Prorogation took place, and to my knowledge, from the information of the Clerk of the House, they have since met & sat as a Committee, to put a Letter in such a state as to be sent to the agent, which as it was not done before the Prorogation, certainly could not be constitutionally done, after a Prorogation which must annihilate all Committees. As you will hear of the Letter from the Agent, it will be the fullest proof that a letter is wrote; and the Journals will prove that a letter could not be wrote, between the order for

it

it and the Prorogation. —

For my motives and reasons for calling the Assembly to Beaufort, I beg leave to refer you to a Letter, I wrote to Ld Hilsbro' in the fullest manner on that subject.

I am

my Lord

Your Lordships

Most Obedient

Humble Servant

C. G. Montagu

(Enclosure.)

Extract from the Journals of the Commons House of Assembly Friday the 30th day of October 1772.

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also a Cutting from the South Carolina Gazette No 1923 November 1772

B.P.R.O. A. & W.I. Vol. 227

(No 3.) Whitehall 9th Dec. 1772.

Lord Charles Greville Montagu

My Lord,

Your Lordship's dispatches to Lord Hillsborough of the 24th Sept: and 30th of October have been received, and laid before the King; and as I do not entirely concur with your Lordship in Opinion of the Propriety or Expediency of summoning the Assembly to meet at Beaufort, it gave me great Satisfaction to find, by the last of those Letters, that your Lordship had prorogued them to meet at Charles Town, and I shall be more happy to find that this Step has had the good effect to restore good Humour and Confidence between the different Branches of the Legislature, and thereby paved the way for getting rid of the present point in dispute by an adoption of the conciliating Measure recommended by my Predecessor.

At the same time your Lordship will give me leave to observe, that your Speech to the Assembly by entering so largely into the subject of dispute with the Commons House, appears to me more likely to protract, than accelerate that happy Issue of this disagreeable business, which is so earnestly

desired

1911

desired by all who wish well to the Peace and Prosperity of the Province

I am &c

Dartmouth

B.P.R.O. A.& W.I. Vol. 227

(No 4.) Whitehall 11th Dec. 1772.

Lord Charles Greville Montagu

My Lord.

I send your Lordship, by His Majesty's Command, the inclosed Copy of a Letter to me from the Postmaster General, containing a Detail of the Arrangements which have been made respecting the American Packetts, & stating the great inconvenience & Prejudice which arise to that service by frequent & unnecessary Detentions in the American Ports.

As it is of great Importance that a regular & constant Correspondence be carried on between Great Britain and the Colonies, as well for His Majesty's Service, as for the Convenience of all the King's Subjects, & a considerable Expence is incurred for that purpose, it is highly proper that the Departure of the Packetts should be at fixed periods, generally known, and from which no deviation should be made but in Cases of the most urgent Necessity. Your Lordship will therefore be extremely careful not to detain the Packet which comes to South Carolina longer than the time allowed by the Post Master General, unless upon account of some extraordinary

Occurrence

Occurrence or unforeseen Event, and even in such extraordinary Cases, it is highly proper that Your Lordship in your Order of Detention, should always express for how long the Packet is to put off her sailing, to the end that all persons may be apprized of the day on which she may depart. And whenever Your Lordship may think such an Order necessary, you will not fail to acquaint me with the occasion, and the number of Days which the Packet is detained in consequence thereof.

I am &c

Dartmouth.

Vol 33

1773

B.P.R.O. B.T. Journals vol 81

Thursday 29th April 1773

At a Meeting of His Majestys Commissioners for Trade and Plantations

Present

Mr Jenyns — Mr Gascoyne

Mr Ashe — Lord Sackville

. . . . . .

So Carolina — List of Grants of Land in So Carolina from 1 November 1771 to 1st May 1772 — Minutes of Council from 2 April to 26 Decr 1772

. . . . . .

3 June 1773

So Carolina / Nova Scotia — The Earl of Dartmouth notified to the Board His Majestys Appointment of Lord William Campbell to be Governor of South Carolina in the room of Lord Charles Greville Montagu and of Francis Legge Esq to be Governor of Nova Scotia in the room of Lord William Campbell and signified His Majestys commands that this Board do prepare and lay before His Majesty in Council drafts of Commissions and Instructions for the said Governors Ordered that the drafts of Commissions and Instructions be accordingly prepared

. . . . . .

Thursday 10 June 1773

So Carolina / Nova Scotia — Their Lordships read and approved Drafts of Commissions for the Governors of So Carolina and Nova Scotia prepared pursuant to order and representations to His Majesty with the said Drafts were signed

. . . . . .

Thursday 9th Dec 1773

So Carolina Their Lordships observing upon the Journals of the Lower House of Assembly of South Carolina lately transmitted certain transactions concerning the committment of a printer by the Upper House of assembly his discharge by two Justices and the Resolutions of the Lower House thereupon it was ordered that the said transactions should be extracted to be laid before His Majesty in Council and it was ordered that the Secretary should transmit the said Extract to the Clerk of the Council in waiting

. . . . . .

Monday 13 Decr 1773

So Carolina Read a Memorial of the Agent of South Carolina to the Board dated 13 Dec 1773 praying liberty to inspect sundry papers relative to the constitution of the Council in the Administration of Govr Nicholson Ordered that Mr Garth have liberty to inspect the papers referred to in his Memorial

. . . . . .

Monday 20th Dec 1773

So Carolina The Secretary laid before the Board Journals of the Commons House of Assembly from the 2nd to the 10th of April 1772 Do from the 8th of Oct to the 10th of November 1772 Do from the 1st to the 9th of Jan 1773 List of all the Grants recorded in the Secretarys Office from 1 Nov 1772 to 30 April 1773 Minutes of Council from 1 Jan 1772 to 11th Decr following Journal of the Commons House of Assembly from 17th Feb to 13 Sept 1773 . . . . . .

B. P. R. O. America & West Indies Vol 228

January 4th 1773
S. Carolina

My Lord,

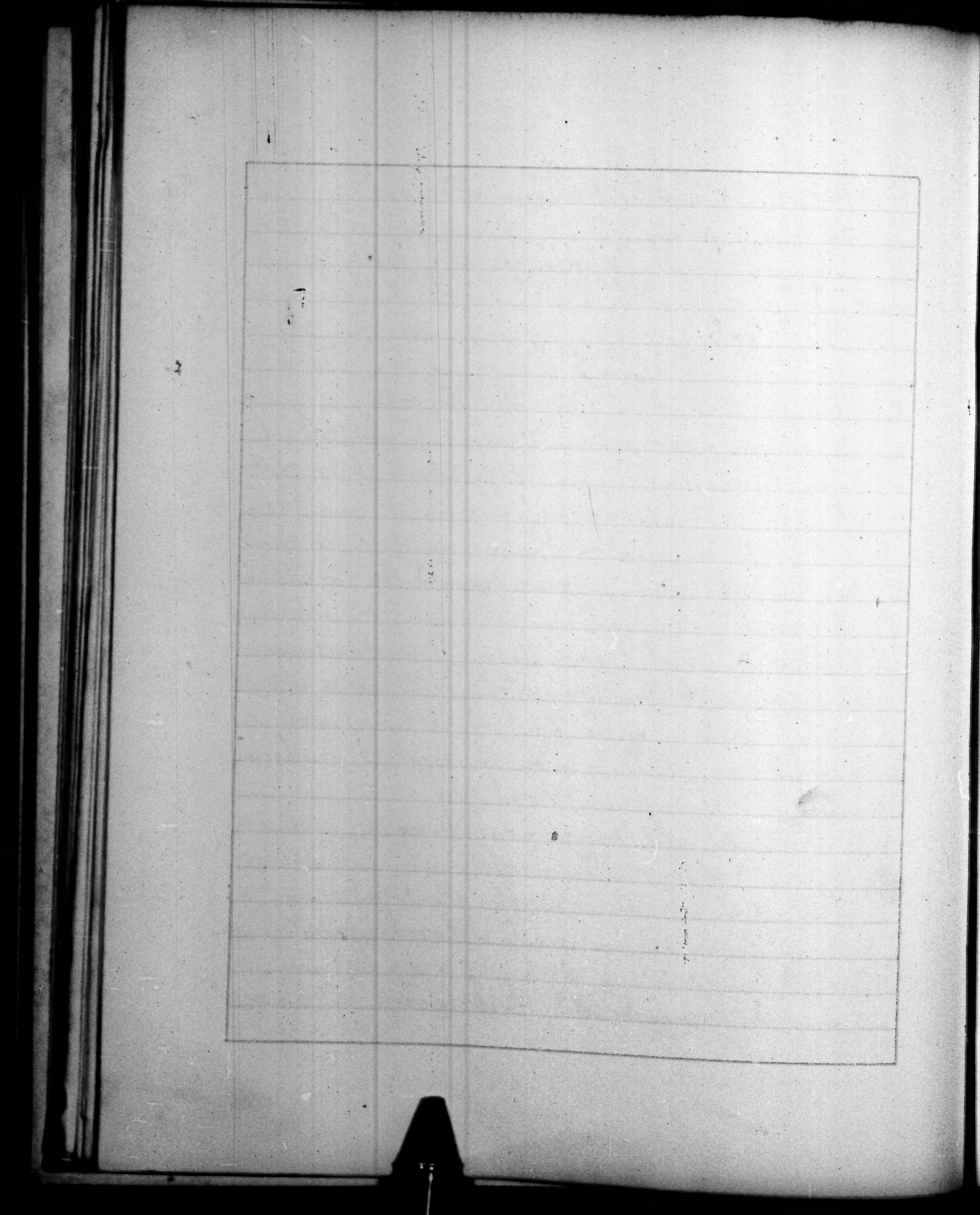
I received the honor of your Lordship's letter No. 1 by the Packett.

I am sorry the Measure I adopted of calling the Assembly to Port Royal does not meet with your approbation, tho' I must confess I still remain of the same opinion that I was of, at that time in regard to the Utility of it.

The General Assembly of this Province was appointed to meet at Charlestown the first of this month, but there have not appeared yet, Members sufficient to make a House. I am, my Lord

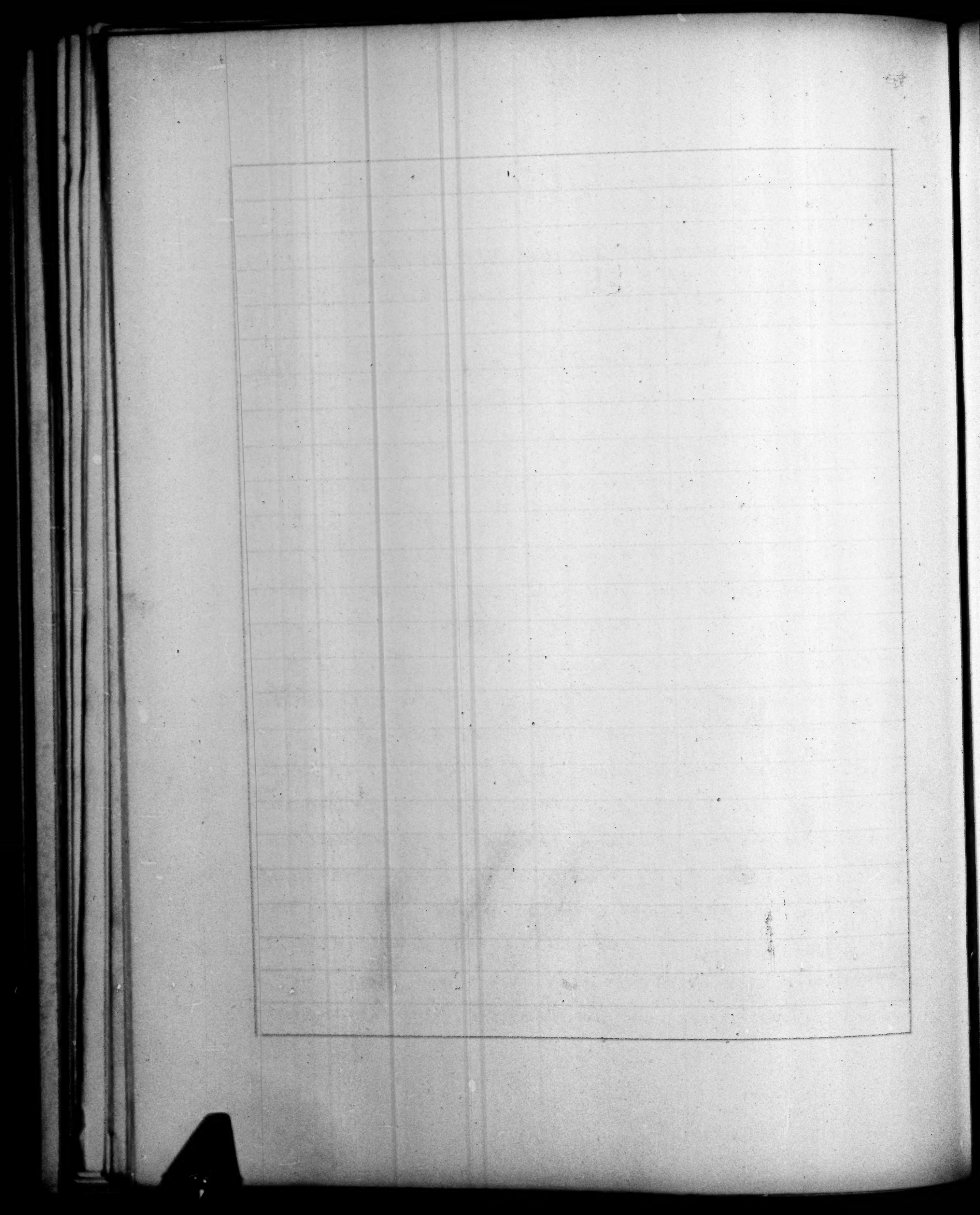
Your Lordship's
Most obedient
humble Servant
C. Montagu

Received 15th February.



B P R O America & West Indies Vol 228

The South Carolina Gazette
Numb: 1924. Thursday, November 12.th 1772.
Charles Town.
Printed by J Powell & Co at the Printing Office,
near the Exchange.



B. P. R. O. America & West Indies Vol 228.

(No. 5.) Whitehall Jan.y 6.th 1773.

Lord Charles Montagu

My Lord,

I have received and laid before the King your Lordship's Dispatch of the 11.th of November, together with the Resolves of the House of Assembly inclosed therein; and I was very much concerned to find that the steps which your Lordship thought fit to take, of convening the General Assembly at Beaufort had given rise to a fresh contest with the Commons House, and which has had the effect to throw new difficulties in the way of an accommodation of the former subject of dispute.

The behaviour of the Speaker in withholding the Journals from the King's Governor appears from your Lordship's representation, to have been both unprecedented & unwarrantable, and the subsequent conduct of the Commons House in continuing to sit and form Resolves after receiving your Lordship's message requiring their attendance in the Council Chamber, appears

To

to be an innovation of a most dangerous tendency, and highly disrespectful to your Lordship in your character of the Kings representative: But as the whole Proceeding is likely to come before the Privy Council, in consequence of the Petition to His Majesty which your Lordship says is transmitted by a Committee of the Assembly to the Agent, it is not fit that I should anticipate their Lordships determination by any farther observations of my own, It will however be my duty to lay before that Board such part of your Lordships correspondence with Lord Hillsborough and with me, as relate to this subject, whenever their Lordships shall take it under their consideration

I am &c.

Dartmouth.

B. P. R. O. America & West Indies. Vol 228

S. Carolina Jan.y 21. 1773

My Lord,

On the sixth of this month the new Commons House of Assembly met at the State House, and after being qualify'd before me, they chose Rawlins Lowndes Esq. their Speaker and the next day presented him to me for my approbation. As this was the Gentleman whose misconduct as Speaker had caused the Dissolution of the last Assembly, and whose behaviour in the Council Chamber, immediately after the Dissolution was such as to give offence to the eldest Counsellour then present I thought myself indispensibly oblig'd to disapprove that choice, and Accordingly directed the Assembly to return to their House and chuse another Speaker: the next day I receiv'd a verbal Message by one of their Members, asserting their right of chusing their own Speaker and persisting in the choice they had before made In consequence of this, I prorogued them, by a Message deliver'd by

by the Master in Chancery. Here, my Lord, I must confess that thro' inadverteney, I was guilty of a mistake in the Mode of Proroguing but, to prevent as far as I cou'd, any ill consequences from it, I dissolv'd the General Assembly by a Proclamation, and immediately issued Writs for chusing a new one.

I hope, my Lord, my conduct may meet with the King's approbation as I have ever endeavor'd to act with steadiness and in conformity to my instructions, and, with temper, to enforce obedience to such orders as I have receiv'd from his Majesty at different times. In the performance of my Duty I have suffer'd much in my fortune and my health: for the recovery of the latter the Physicians here have advis'd my immediate returning to England, in consequence of which I propose to avail myself of the leave his Majesty has been graciously pleas'd to give me, of returning home when my health requir'd it, and intend sailing from hence about the middle of next month. I have the honor to be,

My Lord, your Lordship's
Obedient humble Servant
C. Montagu.

To the
Earl of Dartmouth.

B.P.R.O. America & West Indies Vol. 228.

January 23d 1773.

Observations of the Agent of South Carolina respecting the charges against the Speaker and Commons House of Assembly by the Governor.

His Excellency the Governor having been pleased, as stated, to dissolve the last General Assembly by a Speech, which cannot appear in the Journals, the Agent craves leave to annex hereunto, and to refer to the Gazette of South Carolina, in which is published the Governors speech, & the Address of Rawlins Lowndes Esq. the Speaker, vindicating and exculpating himself against the Imputation and blame laid to his charge

His Excellency's declaration that "at the first meeting of the Assembly he had made every advance to induce a good understanding between him and the house; the people of the Province most sincerely wish they could subscribe to, but they cannot discern that the calling the General Assembly to Beaufort, the censure on former Houses of Assembly and threatnings with

with a similar Exertion of Prerogative contained in the Speech at Beaufort, or the mode and Stile of Proceedings since, do show any such inclination, they fear a contrary effect, conceiving the Tendency thereof to an irreparable Breach between the Governor and the People.

His Excellency's Charge against the Speaker and the Insinuation against the House of Assembly by his Question "if it is in such manner that violent measures are to be concealed from a Governor" are sufficiently confuted by the Facts stated and the real innocency of the Transaction truly suggested by Mr Lowndes in the printed vindication annexed— The Measure alluded to, appears to be on the 29th and 30th of October, and the Governors Speech on the 10th of November, in which he declares "that the Commons House of Assembly having upon their Journals a report of a violent and unconstitutional nature, the Speaker took into his possession"; from the 29th of October to the 10th of November, it should seem a fuller Enquiry into the true state of the fact might have been had, better to have founded this assertion on the 10th of November,

a

a Report was made from the Committee on Grievances upon the 29th of October, the consideration of which was ordered for the next day, in the Evening of the 29th The Governor sent a Message in writing to send by the Bearer (the Governors servant) the Journals of the House, the Journal in the Speakers possession ended with the proceedings of the 28th October, the report and proceedings of the 29th were not then copied into the Journals, but the rough minutes taken as usual at the Table by the Clerk on the 29th of that days business, remained with the Clerk, who the next morning waited upon His Excellency with the Journal, with the rough minutes and the Report, and were returned to the Clerk by the Governor before the Meeting of the House on the day of Prorogation, if these are Facts, which might have been known, the charge upon the Speaker and examination against the House were at least uncandid; If the House wanted to have concealed this Measure, they could have done so by considering and determining upon it immediately, but not only no order for the Speakers taking the Journal appears, which, if any had been made

made, must have appeared, but the House did without heat or hurry and unawed by fear postpone to the next day the consideration there of then to debate and coolly deliberate upon, but had it even appeared that the Speaker had acted in an unprecedented manner, is a Prerogative "to check his behaviour" to be justified? rather is it not an Infringement of one of the Privileges claimed and allowed, that his Errors shall not be imputed to them? — but his Ex.cy is pleased to call it a Report of a violent and unconstitutional nature, whether it be so or not is now immaterial to discuss, tho' it is fit to observe that the Committee who made the Report was a select Committee, it is therefore the more extraordinary to have a stop put to the proceedings of Assembly because of a Report from a select nominated Committee, before known, whether the House had agreed with their Committee or not, the Fact is that the House did not agree with their Committee in the whole of their Report, that part of it which the House agreed to will scarce be deemed unconstitutional, And yet the General

Assembly

Assembly must be precipitately prorogued
The Governor's other reason for the Prorogation
is surely of a nature premature and unparlia-
mentary: There could be no occasion to give
an opportunity, by Prorogation, to read a
Tax Bill de novo, a Tax Bill was depending which
in the stage or state it was his Excellency con-
stitutionally can know nothing of, while depend-
ing, subject to be moulded in whatever man-
ner the House should think best for the Public
Service, to fill the Blanks for Sums, Names
and Dates, and to insert clauses or otherwise al-
ter as they should think proper, but the Bill
his Excellency mentions had been read only a
first time in the House.

Such being his Excellency's apparent
reasons for the Prorogation, the Motives assign-
ed for the Dissolution are also extraordinary,
"a Behaviour unprecedented in the Parliamentary
proceedings, and a proof of their contempt of
the Kings prerogative ought not to be passed
with impunity" — It is true that it appears
on the Journal that a motion had been made
upon which the House was about to put the
Question,

Question, when the Message requiring the immediate attendance of the House came from his Excellency, the House proceeded to put the Question, and the several Orders and Resolves that appear followed of course, but it is averred to the Agent, to be within five Minutes after the delivery of his Excellency's Message that the Assembly was prorogued.

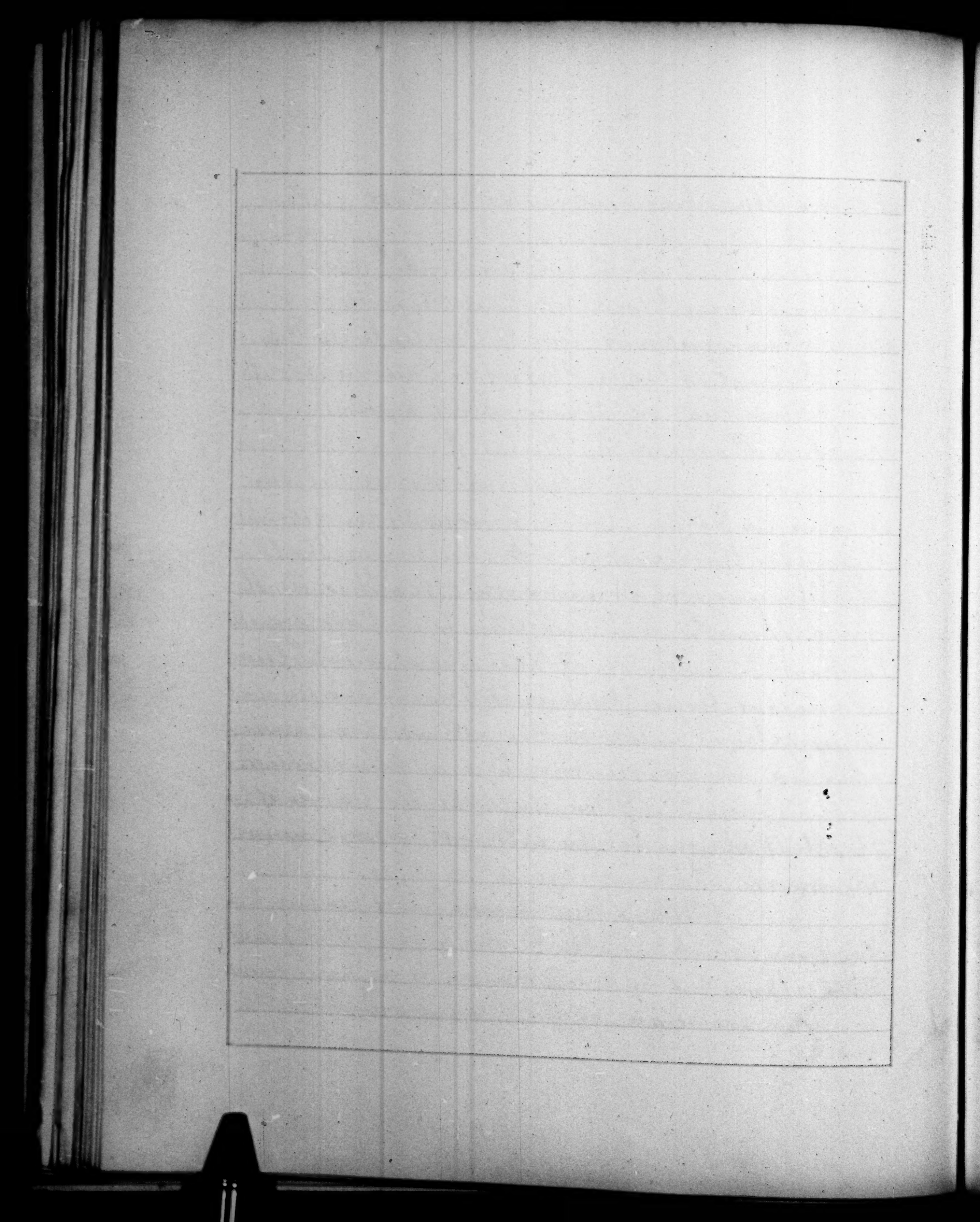
The House know, that the House of Commons on receiving the King's Commands, do immediately obey, and doubt not that the Representatives of the people of the Province will always pay the respect due to the King's Representative, as such, but the Commons of England can never have the cause, that upon this Occasion made a very short delay necessary, the Business in Question was a Complaint to their Sovereign of Oppression on the part of the Govr. himself, and the more necessary for his Majtys Knowledge in as much as it chiefly related to an abuse of the Sovereign's Prerogative, which Complaint by Prorogation or Dissolution might have been stifled, and which in this very Instance would have been checked.

Under

Under these Circumstances the People forbear to enter into any disquisition of the Governors Assertion, that it is unprecedented in Parliamentary Proceedings, because they trust that their Sovereign will see the necessity of this proceeding and acquit their Representatives of every Imputation of the smallest degree of intentional contempt of the Royal Prerogative. But had not the occasion been of the Importance it was (and the only real cause of the proceeding) yet the want of respect in immediate attendance might have been thought excusable to a Governor, who had shewn so little regard to the Estimation and Dignity of the People in General Assembly assembled as to decline opening the Session in the usual Parliamentary manner, neither by Speech, nor by a Message to the Council and Commons House, but only by short Message to the latter by a Master in Chancery.

Chas. Garth, Agent

January 23d
London



B. P. R. O. America & West Indies Vol 225.

London Jan.ry 23.d 1773

To the King's Most Excellent Majesty.

The humble Petition of Charles Garth Esq.
Agent of your Majesty's Province of South
Carolina, in Behalf of the same.

Most humbly Sheweth

That he has received the Commands of the last Commons House of Assembly to express their sorrow and concern for that they find themselves indispensably obliged to trouble your Majesty with Complaints of their Governors Conduct, but they trust that the abundant Cause which the House has for Complaint, and for just indignation, will upon your Majesty's Enquiry be found to justify their their humble supplication by your Petitioner to take Cognisance of his Excellency's Conduct in order for redress against the same.

Whatever other Causes the Province has for Complaint, yet that which is of the greatest Importance upon this occasion to be made known to their Sovereign, is the Misuse and Abuse of

your

your Majesty's Royal Prerogative, manifesting a mind wantonly to insult and injure generally whomsoever the Freeholders of the Province should elect for their Representatives in general Assembly It is long since known to your Majesty that the general Assembly which was convened at Charles Town on the 2d day of April last was most abruptly dissolved. The reasons for that unhappy measure have already been with your Mat.s Minister, and that House by your Petitioner their Agent did presume with all due deference to insist that attempts to controul a House of Assembly in framing of Money Bills were inconsistent with the Rights and Privileges of the House which in their Address to the Governor His Speech had made necessary to be claimed and to assert the rightfull and constitutional mode of Proceeding in regard to money Bills.

That House was the next day dissolved, but your Petitioner had afterwards the Satisfaction to understand from your Majesty's Secretary of State, that in the particular of requiring Clauses to be inserted in the Money Bills, Dispatches should be sent to the Governor from

from whence if no more, it would at least be difficult to presume an Implication of approbation for the Dissolution of that Assembly
That Dissolution took place on the 10th of April, and yet the Governor was pleased to forbear issuing Writs for a new General Assembly untill the 28th of August, and made returnable not at Charles Town, but at the Court House at Beaufort the 8th day of October, within a very short space of the ultimate period to which by Law the General Assembly could be discontinued: His Ex.cy in his Speech takes Notice to the Assembly that the only cause of his calling the General Assembly at that time was to preserve the Laws of the Province from violation, and accordingly prorogues that Assembly to a future day and to travel back to Charles Town, notwithstanding a larger number of Members attended at Beaufort to meet their Governor than was ever known the first day of a Session. But why his Excellency should choose to run so near a risque of violation of the most sacred Law of the Province, the Election Law, when sensible that a long space of time had elapsed since the Inhabitants of the Province had received

any

any benefit from the Deliberations of a Common House of Assembly, the Governor will best be able to explain to your Majesty. It is observable that the Writs are made returnable the 8th of October, but the Governor's legal presence in Assembly is not till the 10th Attended with an immediate Prorogation

The Election Law enacts that the sitting and holding of the General Assembly shall not be discontinued or intermitted above six months, but the Dissolution of the last Assembly having taken place on the 10th of April, it is left questionable, if notwithstanding his Excellency's Attention, a violation of that Law has not been committed, By this conduct it is questionable when the Session (if a Session) began, upon the day of the return of the Writs, or as conceived, the day of his Excellency's telling the Assembly the reason of their Summons, and by the then instant and precipitate prorogation, it is questionable likewise if there was such a sitting and holding of a general Assembly as the Law and the spirit of it requires; Under all these circumstances the House conceive they are right, when they pronounce this conduct of their

Governor

Governor to be an Evasion of not a direct violation of the Law, and to complain thereof accordingly

The House stood in no need of any menacing Intimation touching the Exercise of unusually exercised Prerogatives, they already felt the Oppression of being summoned to a Place very distant from that where Assemblies are usually held, at a distance from their Public Offices and Records, and at a Season dangerous to the health of the Members — The House, Sir, have never questioned this your Majesty's Royal Prerogative, but the House do complain of this Measure as a most arbitrary and unwarrantable abuse of that prerogative, for notwithstanding his Ex^cy is pleased to speak of his knowledge of the Situation of affairs in that Country, yet he prorogues the Assembly to Charles Town, after keeping the Members three Days in Beaufort before he would receive them, manifesting by this conduct his contemptuous Treatment of the Peoples Representatives and his inclination to harrass them from place to place, at a vast expence and highly inconvenient to their private concerns and their health — Pursuant to

Prorogations

Prorogation the House met again, and when they had reason to hope that the usual form of opening the business of the Session by their Gr. would have been observed, they had the mortification to experience a continuance of his Excellys little regard towards them, in the signification of the business for their consideration in Message by a Master in Chancery. And tho' the House was proceeding with ardor and alacrity on the Publick Business, yet upon the 30th of October the immediate Attendance of the House in the Council Chamber was commanded, when the Governor thought fit again to prorogue the House, and by a Dissolution on the 10th of November to compleat the System of exercising unusually exerted prerogatives.

The House indeed was at a loss to know what could occasion a resolution for so sudden a prorogation, but altho' while the House was sitting the Governors reasons for so doing were not to be collected, yet as some are assigned at the time of the Dissolution that followed, it is your Petitioners duty on behalf of the Province to offer his observations thereon

thereon, which are humbly submitted to your Majesty's consideration in the Paper annexed, His Excellency might and it is believed did know that the House had under consideration to resent his injurious behaviour and other conduct by a Complaint to your Majesty, but such knowledge could be so far from justifying the steps taken, of proceeding therefrom, that if it shall appear tending to stop an Application to the Crown complaining of his Mal-Administration will be an aggravation of the Imprudence of a Measure, inconsistent with the concern expressed for the distressed situation of the Public Affairs, and frustrating all the benefit expected from the exercise of the legislative powers — Among the many Dangers and Misfortunes which are brought upon the Province by this prevention of the Assembly's sitting, the state of absolute ruin, in which the Fortifications of Charles Town lye, is not the least, and fitting to be made known to your Majesty.

Your Petitioner, begging leave to refer to the Journals transmitted for greater Certainty and Elucidation, has to lay before your

your Majesty the farther Commands he has received, which are, by order of the last House of Assembly then sitting, to implore that your Majesty will be graciously pleased to remove from the Government of your Majesty's Province of South Carolina their now Governor the Right Hon.ble Lord Charles Grenville Montague, or that your Majesty would be pleased to signify such marks of your Royal Displeasure, as may prevent Governors for the future abusing and misusing the Royal Prerogative, and their oppressing the Subjects under their Charge.

And your Petitioner shall ever pray &c.a

Chas. Garth. Agent.

London
January 23.d 1773.

Received Feb.y 1. 1773.

B. P. R. O. America & West Indies Vol. 228

(Received 18th March 1773)

To the Right Honble the Earl of Dartmouth
one of his Majesty's principal Secretarys of State

The humble Petition
of Edward Wilkinson Esq of So Carolina

Sheweth

That he has for many years past been variously employed in the Cherokee Country and from his services to the Province of South Carolina and acquaintance with the Cherokee Indians was appointed Commissioner & Storekeeper of the Public Trade in the Cherokee Nation and continued so to be during the time that the Provincial Law establishing that Trade was in force. Which Law being repeal'd upon his Majty's pleasure signified by Proclamation in what manner Trade with the several Indian Nations should be carried on and allowed, your Memorialist agreable to the said Proclamation entered into a private Trade, and hath ever since carried it on with the Cherokees to a very considerable extent, supplying by himself and Factors the Upper and Lower Cherokees from sundry stores viz.

eight in eleven or twelve of their Towns; this Nation was at first regular in their payments, but hath latterly by means of their Wars with other Tribes been unable to make any payments for sometime past. That the account of debts owing to him from the Cherokees has been laid before his Majesty's Superintendant, and the Balance verified upon Oath before the proper Officer, and accompanying this Memorial for Inspection, appears to amount to the sum of £8436-9-9 sterl. to discharge which the said Cherokees have by their Chief and Headmen proposed to your Memorialist the cession of a Tract of Land marked out in the annexed Survey in lieu of the said Debt, and for that purpose the Great Warriour and Chief of the Cherokee Nation Oconostota hath not only sent the Talke annexed to his Majesty's Superintendant, but the Chiefs have directed the Land to be marked out and have since signified to their young Fellows in general that their Debts are paid by the giving up of that Land, in consequence whereof your Memorialist will not ever be able to recover any other recompence from any of the said Indians - That the

Cherokee

Cherokee Chiefs as appears by the Talke, are of opinion that the Land proposed to be ceded can be for the reasons assigned of no great service to them, and likewise that the Boundary to the proposed Cession, viz.t Saluda River as being a natural Boundary and more conspicuous to their People, will be more advantageous to them than the present Boundary, And from the nature and situation of these Lands a settlement thereupon & culture thereof will be highly advantageous to his Majesty and to his Province of South Carolina, and as his Majesty has been pleased to give Instructions for an Agreement with the Indians South West for a Cession of another part of their Land in order among other reasons to satisfy and discharge debts of these Indians due to private Traders, Your Memorialist humbly entreats of your Lordship to recommend that his case may be taken under the Royal Consideration, to whom the proposed Cession was offered antecedent to that upon the Borders of Saramah, and especially as upon the first Signification of the Proposal by the Cherokees he not only acquainted them he could not accede thereto without his Majesty's consent, but

forthwith

forthwith made the same known to the Superintendant He confidently hopes that his Majesty will be advised to accept of such cession from this Northern Tribe of Cherokees upon the condition mentioned by Ammestota with the advice of his Head men and Approbation of the whole Tribe of paying to your Memorialist the sum which the Cherokees are indebted to him, or that your Memorialist may be permitted to accept of it and to become a part of the Province of So Carolina in lieu of his debt justly and bona fide incurred Entreating his Majesty's Indulgence that it may in like manner be free of Taxes and Quit rents for the Term of ten years.

And your Memorialist shall ever pray &c.

Edw. Wilkinson.

Received 18th March 1773.

B.P.R.O. America & West Indies Vol 228
(No 54)

Charlestown, March 30 1773.

My Lord,

I have the honor to acquaint your Lordship that on the 10th instant Lord Charles Montagu our Governor sailed from this Province for Great Britain in his Majtys Packet Eagle, whereby the Administration of this Government hath again devolved upon me. I beg leave to assure your Lordship that I shall exert my utmost endeavours to discharge my duty to his Majesty with Firmness, and at the same time with as much moderation as is consistent with the Kings service. Your Lordships letters No 3 & 4 Duplicates, and No 5 to Lord Charles Montagu came to my hands the 21st instant, to which I shall pay a most punctual regard.

The Prorogation which had postponed the meeting of the New General Assembly having expired a few days before his Lordships departure, I met them immediately after.

I thought proper to open the Session with a short Speech couched in the most general

terms

terms. As the grand object which his Majesty has at present in view, the putting an end to the claim of the Commons House to draw money out of the Public Treasury by their sole order, had already been largely discussed by me, before his Lordships return to his Government, and since more strongly by his Lordship, I declined being the first in repetition of Arguments hitherto unsuccessful, which would serve rather to irritate, or, as is too much the spirit of popular Assemblies, fix them more obstinately in their ill grounded opinion. I shall be happy to meet with your Lordships approbation therein. I have the satisfaction to observe that some Members of Assembly soften their language in regard to this claim, tho others are as tenacious as ever. A little more time may probably reconcile a Majority to the expedient mentioned in the Earl of Hillsboroughs letter No. 53. and confirmed by your Lordship No. 3, especially if Mr. Garth their Agent should on his own motion urge the adoption of that Measure from there being not the least prospect or hope of the Royal Instructions being recd.; for I fear that many of the

Assembly

Assembly persevere from some flattering accounts they receive from England, which feed them with vain hopes thereof. I desire to be understood by no means to insinuate this against Mr Garth.

Soon after the Assembly met a Pay Bill for the years 1769 & 1770 was brought in and twice read and sent to the Council as usual. In a general article to the late Treasurer Mr Wolfe they had enveloped the exceptionable £500 with an &c. and omitted the clauses required by the late Royal Instruction to be put into all Money Bills. His Majesty's Council on examining that Article discovered the £500 and rejected the Bill a few days ago. The next day the Assembly desired my leave to adjourn to the beginning of July, which I granted. Before that time some alteration may possibly happen to remove this Impediment to Public Business, and in that case I shall prorogue the General Assembly, that a new Pay Bill may be brought in.

I beg leave to acquaint your Lordship that our General Duty Law which provides a Fund for various services particularly the Salaries of our Clergy, Judges, the Attorney General will

will expire with the next Session of General Assembly, but I shall be careful to pass no Law, whereby a Session will be made, until there is a Law to continue the General Duty Act.

I have the honour to be with the greatest respect

My Lord

Your Lordships

Most obedient and

most humble Servant

Wm Bull

To the
Right honourable
the Earl of Dartmouth
his Majesty's Principal
Secretary of State for America
at Whitehall.

Received 28th May.

B.P.R.O. B. J. South Carolina Vol 29.

June 10th 1773.

To the Kings most Excellent Majesty

May it please your Majesty

In obedience to your Majesty's Command signified to us by the Earl of Dartmouth, one of your Majesty's principal Secretaries of State, We have prepared and herewith humbly crave leave to lay before your Majesty a Draught of a Commission appointing William Campbell Esq. commonly called Lord William Campbell, to be Captain General and Governor in Chief of your Majesty's Province of South Carolina in America, in which Draught We have made no alteration from the Commission given to your Majesty's late Governor of the said Province; save that in obedience to your Majesty's order in Council of the 7th of June 1771, We have inserted in this present Draught a Clause giving to your Majesty's Governor as Chancellor, the necessary powers to issue Commissions for the Care and Custody of Idiots and Lunaticks agreable to the usage and practice of

of this Kingdom.

Which is most humbly submitted

Jeame Jemyns

Bamber Gascoyne

Robt Spencer

Greville

Whitehall

June 10th 1773.

June 10th 1773.

George the Third by the Grace of God of Great Britain, France and Ireland, King, Defender of the Faith &c. To Our Trusty and Wellbeloved William Campbell Esq. commonly called Lord William Campbell Greeting

Whereas We did by Our Letters Patent under Our Great Seal of Great Britain bearing date at Westminster the day of in the year of Our reign constitute & appoint Charles Greville Montague Esq. commonly called Lord Charles Greville Montague to be Our Captain General and Governor in Chief in and over Our Province of South Carolina in America, for and during Our Will and Pleasure as by the said recited Letters Patent, relation being thereunto had, may more fully and at large appear, Now Know you that We have revoked and determined, and by these Presents do revoke and determine the said recited Letters Patent, every Clause, Article and Thing therein contained; And further Know you that We reposing especial Trust and confidence in the prudence, Courage and Loyalty, of you the

the said Lord William Campbell, of Our special Grace certain knowledge and meer Motion, have thought fit to constitute and appoint and by these Presents do constitute and appoint you the said Lord William Campbell to be Our Captain General and Governor in Chief in and over our said Province of South Carolina in America.

And We do hereby require and command you to do and execute all things in due manner that shall belong unto your said Command, and the Trust We have reposed in you according to the several powers and Authorities granted or appointed you by this present Commission and the Instructions herewith given you, or by such further powers, Instructions and Authorities as shall at any time hereafter be granted or appointed you, under Our Signet and Sign Manual or by Our Order in Our Privy Council and according to such reasonable Laws and Statutes as are now in force or hereafter shall be made and agreed upon by you with the advice and Consent of Our Council, and the Assembly of

Our

Our said Province under your Government, in such manner and Form as is hereafter expressed.

And Our Will and Pleasure is, that you the said Lord William Campbell (after the publication of these Our Letters Patent) do in the first place take the Oaths appointed to be taken by an Act passed in the first year of the reign of King George the First intituled "An Act for the future security of His Majesty's Person and Government, and the Succession of the Crown in the Heir of the late Princess Sophia being Protestants, and for extinguishing the hopes of the pretended Prince of Wales & his open and secret Abettors," as altered and explained by an Act passed in the sixth year of Our Reign intituled "An Act for altering the Oath of Abjuration, and the Assurance, and for amending so much of an Act of the Seventh year of her late Majesty Queen Anne, intituled An Act for the improvement of the Union of the two Kingdoms, as after the time therein limited, requires the delivery of certain Lists and Copies therein mentioned, to persons

persons indited of High Treason or Misprision of Treason"; As also that you make and subscribe the Declaration mentioned in An Act of Parliament made in the twenty fifth year of the reign of King Charles the Second intituled "An Act for preventing dangers wch may happen from Popish Recusants", and likewise that you take the usual Oath for the due execution of the Office and Trust of Our Governor in Chief of Our said Province of South Carolina for the due and impartial Administration of justice, and further that you take the Oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to the Plantations be observed which said Oaths and Declaration Our Council in Our said Province or any three of the Members thereof have hereby full Power and Authority and are required to tender and administer unto you and in your absence to Our Lieutenant Governor if there be any upon the place, all which being duly performed, you shall administer unto the Members of Our said Council, as also to Our Lieutenant

Lieutenant Governor if there be any upon the place the said Oaths mentioned in the said Act, intituled, An Act for the further security of His Majesty's person and Government and the succession of the Crown in the Heirs of the Princess Sophia being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors, as altered and explained by an Act passed in the sixth year of Our reign, intituled, "An Act for altering the Oath of Abjuration, and the Assurance; and for amending so much of an Act of the Seventh year of her late Majesty Queen Anne, intituled, An Act for the Improvement of the Union of the two Kingdoms, as after the time therein limited, requires the delivery of certain Lists and Copies therein mentioned, to persons indicted of High Treason or Misprision of Treason"; as also to cause them to make and subscribe the aforementioned Declaration and to administer to them the Oath for the due execution of their Places and Trusts.

And We do hereby give and grant unto you full Power and Authority to suspend any

any of the Members of Our said Council from sitting, voting and assisting therein, if you shall find just cause for so doing, if there shall be any Lieutenant Governor time likewise to suspend from the execution of his Command, and to appoint another in his stead until Our Pleasure be known.

And if it shall at any time happen that by the death, departure out of Our said Province, Suspension of any of Our said Councillors or otherwise, there shall be a Vacancy in our said Council (any three whereof We do hereby appoint to be a Quorum) Our Will and Pleasure is, that you signify the same unto us by the first opportunity, that we may under Our Signet and Sign Manual constitute & appoint others in their stead.

But that Our Affairs at that distance may not suffer for want of a sufficient number of Councillors if ever it shall happen that there be less than seven of them residing in Our said Province, We do hereby give and grant to you the said Lord William Campbell full Power and Authority to chuse

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as many Persons out of the Principal Freeholders Inhabitants thereof, as will make up the full number of Our said Council to be seven and no more; which Persons so chosen and appointed by you, shall be to all intents and purposes Councellors in Our said Province until either they shall be confirmed by Us, or that by the Nomination of Others by Us under Our Sign Manual and Signet Our said Council shall have seven or more Persons in it.

And We do hereby give and grant unto you full Power and Authority with the Advice and Consent of Our said Council from time to time as need shall require to summon and call General Assemblies of the said Freeholders and Planters within your Government, according to the Laws and Usages of Our said Province of South Carolina.

And Our Will and Pleasure is, that the Persons thereupon duly elected by the major part of the Freeholders according to such Laws and Usages as aforesaid, and of the respective Counties and Places and so returned, shall before their sitting take the Oaths mentioned

mentioned in the said Act intituled, An Act for the further security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors, as altered and explained by the aforesaid Act for altering the Oath of Abjuration and Assurance and for amending so much of An Act of the Seventh year of Her late Majesty Queen Anne, intituled, An Act for the improvement of the Union of the two Kingdoms as after the time therein limited, requires the delivery of certain Lists and Copies therein mentioned to persons indicted of High Treason or Misprision of Treason, as also to make and subscribe the forementioned Declaration you shall commissionate fit persons under Our Seal of South Carolina to tender and administer unto them, and until the same shall be so taken and subscribed no person shall be capable of sitting tho' elected and qualified shall be called and deemed the General Assembly of that Our said Province & Territory of South Carolina.

And

And that you the said Lord William Campbell with the consent of Our said Council and Assembly or the major part of them respectively shall have full power and Authority to make, constitute and appoint Laws, Statutes and Ordinances for the Publick Peace and Welfare and good Government of Our said Province and of the People and Inhabitants thereof, and such others as shall resort thereto, and for the benefit of Us, Our Heirs and Successors, which said Laws, Statutes and Ordinances are not to be repugnant, but as near as may be agreable to the Laws and Statutes of this Our Kingdom of Great Britain.

Provided that all such Laws Statutes and Ordinances of what Nature or Duration soever, be within three months or sooner after the making thereof, transmitted unto Us under Our said Seal of South Carolina, for Our Approbation or Disallowance of the same, as also duplicates thereof by the next Conveyance

And in case any or all of the said Laws Statutes and Ordinances not before confirmed by Us, shall at any time be disallowed, and not

not approved, and so signified by Us, Our Heirs or Successors under Our or their Signet and Sign Manual, or by Order of Our or their Privy Council unto you the said Lord William Campbell, or to the Commander in Chief of Our said Province for the time being, then such and so many of the said Laws Statutes and Ordinances as shall be so disallowed and not approved, shall from thenceforth cease, determine and become utterly void and of none effect, anything to the contrary notwithstanding.

And to the end that nothing may be passed or done by Our said Council or Assembly to the prejudice of Us, Our Heirs and Successors. We will and ordain that you the said Lord William Campbell shall have and enjoy a negative Voice in the making and passing of all Laws, Statutes and Ordinances as aforesaid.

And you shall and may likewise from time to time as you shall judge it necessary adjourn, prorogue and dissolve all General Assemblies as aforesaid.

Our further Will and Pleasure is, that you

you shall and may keep and use the Publick Seal of Our Province or Territory of South Carolina, for sealing all things whatsoever that ought to pass under the Seal of Our said Province under your Government.

And We do further give and grant unto you the said Lord William Campbell full Power and Authority from time to time and at any time hereafter by yourself or by any other to be authorized by you in that Behalf to administer and give the Oaths mentioned in the said Act for the further security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestant, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors, as altered and explained by the aforesaid Act for altering the Oath of Abjuration and the Assurance, and for amending so much of An Act of the Seventh year of her late Majesty, Queen Anne, intituled, An Act for the improvement of the Union of the two Kingdoms, as after the time therein limited, requires the

Delivery

delivery of certain Lists and Copies therein mentioned to persons indicted for Treason, or Misprision of Treason; to all and every such person or persons as you shall think fit who shall at any time or times pass into Our said Province or shall be resident or abiding there.

And We do by these Presents give and grant unto you the said Lord William Campbell full Power and Authority with the Advice and consent of Our said Council, to erect, constitute and establish such and so many Courts of Judicature and Publick Justice within Our said Province and Territory, as you and they shall think fit and necessary, for the hearing and determining of all Causes as well Criminal as Civil, according to Law and Equity, and for awarding of Execution thereupon, with all reasonable and necessary Powers, Authorities, Fees and Privileges belonging thereunto, as also to appoint and commissionate fit persons in the several parts of your Government to administer the Oaths mentioned in the aforesaid Acts; as also to tender and administer the aforesaid Declaration unto such persons belonging

belonging to the said Courts as shall be obliged to take the same.

And We do hereby authorize and empower you to constitute and appoint Judges and in Cases requisite Commissioners of Oyer and Terminer, Justices of the Peace and other necessary Officers and Ministers in our said Province, for the better Administration of Justice and putting the Laws in execution, and to administer or cause to be administered unto them such Oath or Oaths as are usually given for the due execution and performance of Offices and Places and for the clearing of Truth in judicial Causes.

And We do hereby give and grant unto you full Power and Authority where you shall see cause, or shall judge any Offender or Offenders in criminal matters, or for any Fines or Forfeitures due unto Us, fit objects of Our mercy to pardon all such Offenders, and to remit all such Offences, Fines, Forfeitures Treason and wilful murder only excepted, in which cases you shall likewise have Power upon extraordinary occasions to grant

Reprieves

Reprieves to the Offenders until and to the intent Our Royal Pleasure may be known therein.

And whereas it belongeth to Us in right of Our Royal Prerogative, to have the Custody of Ideots and their Estates, and to take the profits thereof to Our own use, finding them Necessaries, and also to provide for the Custody of Lunaticks, and their Estates without taking the profits thereof to Our own use, and whereas while such Ideots and Lunaticks and their Estates remain under Our immediate care, great trouble and charges may arise to such as shall have occasion to resort unto Us for directions respecting such Ideots and Lunaticks and their Estates, and considering that Writs of Enquiry of Ideots and Lunaticks are to issue out of Our several Courts of Chancery, as well in Our Provinces in America, as within this Our Kingdom respectively, and the inquisitions thereupon taken returnable in those Courts, We have thought fit to entrust you with the care and Commitment of the Custody of the said Ideots and Lunaticks and their Estates

Estates; And We do by these Presents give & grant unto you full power and authority without expecting any further special Warrant from Us, from time to time to give, order and Warrant for the preparing of Grants of the Custodies of such Idiots and Lunaticks and their Estates, as are or shall be found by inquisition thereof taken, or to be taken, and returnable into Our Court of Chancery and thereupon to make and pass Grants and Commitments under Our Great Seal of Our Province of South Carolina, of the Custodies of all and every such Idiots and Lunaticks, and their Estates to such Person or persons, Visitors in that behalf as according to the rules of Law, and the use and practice in those and the like Cases, you shall judge meet for that Trust, and the said Grants and Commitments to be made in such manner and form or as near as may be, as hath been heretofore used and accustomed in making the same under the Great Seal of Great Britain, and to contain such apt and convenient Covenants, Provisions and Agreements on the part of the Committees and Grantees, to be performed

performed, and such security to be by them
given as shall be requisite and needful.
And We do by these Presents authorize
and empower you to collate any person or
persons to any Churches Chapels or other Ec-
clesiastical Benefices within Our said Province
and Territory aforesaid, to which We, Our Heirs
and Successors are or shall be entitled to
collate as often as any of them shall happen
to be void.
And We do hereby give and grant unto
you the said Lord William Campbell by your-
self or by your Captains and Commanders by
you to be authorized full power and authority
to levy, arm, muster, command and employ
all persons whatsoever residing within Our
said Province and Territory of South Carolina,
and as occasion shall serve to march from
one place to another, or to embark them for
the resisting and withstanding of all Enemies
Pirates and Rebels both at Land and Sea and
to transport such forces to any of Our Planta-
tions in America, if necessity shall require,
for the defence of the same against the invasion
or

or attempts of any of Our Enemies and such Enemies, Pirates and Rebels (if there shall be occasion) to pursue and prosecute in or out of the Limits of Our said Province and Plantations or any of them, and (if it shall so please God) them to vanquish apprehend & take, and being taken according to Law, put to death, or keep and preserve alive at your direction, and to execute Martial Law in time of Invasion or other times, when by Law it may be executed, and to do and execute every other thing and things which to Our Captain General or Governor in Chief doth or ought of right to belong.

And We do hereby give and grant unto you full power and authority, by and with the advice and consent of Our said Council of South Carolina, to erect raise and build in Our said Province and Territory such and so many Forts and Platforms, Castles, Cities, Boroughs, Towns and Fortifications as you by the advice aforesaid shall judge necessary, and the same or any of them to fortify and furnish with Ordnance, Ammunition and all sorts of Armes fit

and

and necessary for the security and defence of Our said Province, and by the Advice aforesaid, the same again or any of them to demolish or dismantle as may be most convenient.

And forasmuch as divers Mutinies and Disorders may happen by persons shipped and employed at Sea during the time of War may be better governed and ordered, We do hereby give and grant unto you the said Lord William Campbell full power and authority to constitute and appoint Captains, Lieutenants, Masters of Ships and other Commanders and Officers and to grant to such Captains, Lieutenants, Masters of Ships and other Commanders and Officers Commissions to execute the Law Martial during the time of War according to the directions of An Act passed in the twenty second year of the Reign of Our late Royal Grandfather intituled An Act for amending and explaining and reducing into One Act of Parliament the Laws relating to the Government of His Majty's Ships, Vessels and Forces by Sea; and to use such Proceedings, Authorities, Punishments, Corrections and executions upon any Offender or

Offenders

Offenders, who shall be mutinous, seditious, disorderly, or any way unruly, either at Sea, or during the time of their Abode or Residence in any of the Ports, Harbours or Bays of Our said Province and Territory as the Cause shall be found to require, according to Martial Law and the said Directions during the time of War as aforesaid; provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have any jurisdiction of any Offence, Cause, Matter or Thing committed or done upon the High Sea, or within any of the Havens, Rivers or Creeks of Our said Province and Territory under your Government, by any Captain, Commander, Lieutenant, Master Officer, Seaman, Soldier or person whatsoever, who shall be in Our actual Service and Pay, in or on board any of Our ships of War, or other Vessels acting by immediate Commission or Warrant from Our Commissioners for executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being, under the Seal of the Admiralty, but that such

Captain

Captain, Commander, Lieutenant, Master, Officer, Seaman, Soldier or other person so offending shall be left to be proceeded against and tried as their Offences shall require either by Commission under Our Great Seal of Great Britain as the Statute of the twenty fifth of Henry the Eighth directs, or by Commission from Our said Commissioners for executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being, according to the aforementioned Act, intituled An Act for amending explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels and Forces by Sea and not otherwise, Provided nevertheless that ~~not~~ all Disorders and Misdemeanours committed on shore by any Captain, Commander, Lieutenant, Master, Officer Seaman, Soldier or other person whatsoever, belonging to any of Our Ships of War or other Vessels acting by immediate Commission or Warrant from Our said Commissioners for executing the Office of High Admiral, or from our High Admiral of Great Britain for

the

the time being, under the Seal of Our Admiralty, may be tried and punished according to the Laws of the Place where any such Disorders, Offences and Misdemeanours shall be committed on Shore, notwithstanding such Offender be in Our actual Service and borne in Our Pay on board any such of Our ships of War or other Vessels acting by immediate Commission or Warrant from Our said Commissioners for executing the Office of High Admiral, or Our High Admiral of Great Britain for the time being as aforesaid, so as he shall not receive from protection for the according of Justice for such Offences committed on Shore, from any pretence of his being employed in Our service at Sea.

And Our further Will and Pleasure is that all Publick Money raised, or which shall be raised by any Act hereafter to be made within Our said Province, be issued out by Warrant from you by and with the Advice and Consent of the Council, and disposed of by you for the support of the Government and according to the Laws of Our said Province of South Carolina and not otherwise.

And

And We do likewise give and grant unto you full Power and Authority by and with the Advice and Consent of Our said Council to settle and agree with the Inhabitants of Our said Province for such Lands Tenements and Hereditaments as now are or hereafter shall be in Our Power to dispose of, and them to grant to any Person or Persons upon such Terms and under such moderate Quit Rents, Services and Acknowledgments to be thereupon reserved unto Us, as you by the Advice aforesaid shall think fit which said Grants are to pass and be sealed by Our Public Seal of Our said Province, and being entered upon Record by such Officer or Officers as are or shall be appointed thereunto, shall be good and effectual in Law against Us, Our Heirs and Successors.

And We do hereby give and grant unto you the said Lord William Campbell full power to order and appoint Fairs, Marts and Markets, as also such and so many Ports, Harbours, Bays, Havens and other places for the convenience and security of shipping, and for the better loading and unloading of Goods and

and Merchandizes as by you with the advice and consent of the said Council, shall be thought fit and necessary.

And We do hereby require and command all Officers and Ministers Civil and Military & all other Inhabitants of Our said Province and Territory to be obedient, aiding and assisting unto you the said Lord William Campbell in the execution of this Our Commission, and of the Powers and Authorities herein contained, and in case of your death or absence out of the said Province, to be obedient, aiding and assisting unto such persons as shall be appointed by Us, Our Heirs and Successors to be Lieutenant Governor or Commander in Chief of Our said Province, to whom We do therefore by these Presents give and grant all and singular the Powers and Authorities herein granted to be by him executed and enjoyed, during Our Pleasure, or until your arrival within Our said Province, and whom We do hereby require to take all such Oaths and make such Declaration as are herein before appointed to be taken & made by you mutatis mutandis, which said

Oaths

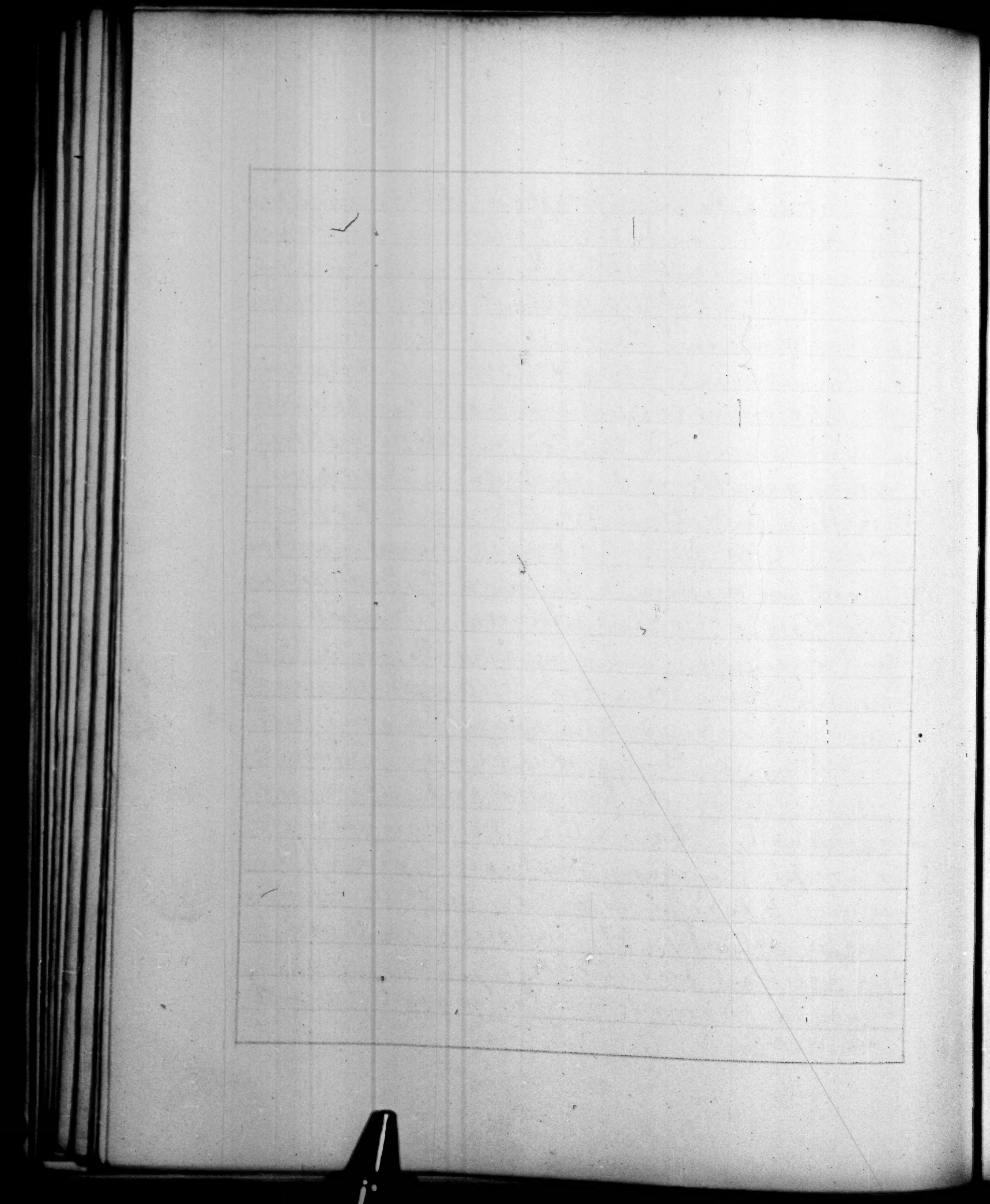
Oaths and Declaration, Our said Council, in Our said Province, or any three of the Members thereof have hereby full power and are hereby required to tender and administer.

And if upon your Death or absence out of Our said Province there be no Person upon the Place commissionated or appointed by Us to be Our Lieutenant Governor or Commander in Chief of Our said Province, Our Will and Pleasure is, that the Eldest Councillor whose name is first placed in Our said Instructions to you, and who shall be at the time of your Death or absence residing within Our said Province and Territory of South Carolina, shall take upon him the Administration of the Government and execute Our said Commission and Instructions and the several Powers and Authorities therein contained in the same manner, and to all intents and purposes as other Our Governor or Commander in Chief should or ought to do, in case of your absence until your return, or in all cases until Our further Pleasure be known therein.

And

And We do hereby declare, ordain and appoint that you the said Lord William Campbell shall and may hold, execute and enjoy the Office and Place of Our Captain General and Governor in Chief of Our said Province and Territory of South Carolina with all its Rights, Members and Appurtenances whatsoever together with all and singular the Powers and Authorities hereby granted unto you, for and during Our Will and Pleasure.

In Witness whereof We have caused these Our Letters to be made Patent Witness Our Self at Westminster the day of in the year of Our Reign.



B.P.R.O. America & West Indies. Vol 228
(No 55)

Charlestown
April 9th 1773

My Lord,

Upon the 22d of last month died Othniel Beale Esq. a Member of his Majesty's Council for this Province in whom his Majty hath lost a loyal subject and a zealous and faithful Counsellour. In obedience to his Majtys recent Instruction to Lord Charles Montagu I have the honor to transmit the names of three Gentlemen who are qualified to fill up that vacancy, viz. Thomas Smith, Miles Brewton and John Dear Esqrs. It is with concern I must at the same time observe to your Lordship that Gentlemen who by age, fortune & understanding are best qualified, upon any intimation of the matter express an aversion to accept the appointment of a Seat at the Council Board in this Province since the unhappy situation of this Colony in regard to our political disputes.

I have the honour to be with the

My Lord, your Lordship's
Most obedient and
most humble Servant
Wm Bull

To the Right Honble
The Earl of Dartmouth
His Majesty's principal
Secretary of State
for America.
at Whitehall

Received 31st May

B.P.R.O. America & West Indies Vol 228

Falmouth Harbour
April 12th 1775

My Lord,

In a former letter I had the honor of writing to your Lordship, I acquainted you with my intention of shortly leaving that Province and returning to England for the recovery of the health of myself and Family, who have suffer'd much from the Inclemency of the climate. I must beg the favour of your Lordship, at the time that you acquaint his Majesty of my arrival in England, to inform him, that I left the Province of Carolina at the immediate instance of the Physicians there, and that notwithstanding their advice, I should have continued there, to have waited his Majesty's further instructions, had there appear'd the least probability of the Assembly's transacting any Publick Business.

I am proceeding immediately to Bath, and shall do myself the honor of waiting upon

upon your Lordship in London, as soon as possibly can.

I am my Lord
your Lordships
Obedient humble servant
C. Montague

To the
Right Honble the
Earl of Dartmouth

Received 12th April.

B.P.R.O. America & West Indies. Vol. 225.

Charles Town
May 12th 1773.

My Lord

I beg leave to congratulate your Lordship upon her Majesty's late safe delivery of a young Prince. Every addition to his Majesty's Royal Family, while it encreases his Majesty's Domestic felicity, enlarges the foundation of that security to our happy Constitution in the free enjoyment of our religious and civil rights, which hath so wisely been established in his Majesty's august house, and must fill every loyal heart with satisfaction, and the pleasing hopes that our happy Constitution will never want Guardians from that illustrious Line, but continue inviolate under their protection till time shall be no more.

I have the honor to be with the greatest respect

My Lord, your Lordship's

Most obed.t & most humble servant

Wm Bull

To the Right Hon.ble the Earl of Dartmouth his Majty's principal Sec.ry of State for America at Whitehall.

R. 8th July

B P R O America & West Indies Vol 228
(N° 56)

Charlestown
May 15th 1773

My Lord

As during the recess of the General Assembly I have nothing new to say relative to the Grand Subject which so much embarrasses the Assembly, interrupts such Public business as depends upon the Legislative Powers, and consequently involves the Province in various inconveniencies, I shall only transmit to your Lordship a Copy of the Bonds given by the two joint Public Treasurers of this Province, altho' I formerly transmitted the same to the Rt. Honorable the Earl of Hillsborough, your Lordships predecessor in Office in my letter N° ## that your Lordship may see how far the Treasurers are thereby confined to the mode pointed out in the late Royal Instruction

I shall now proceed to lay before your Lordship some account of the state of our attempts to introduce the planting of Vines for the purpose of making wines in this Province,

according

according to the information of several Persons to whom I wrote to make particular enquiry thereof.

In the year 1771. I obtained a Bounty from the honorable Society in London for encouraging Arts and Manufactors, for one Sherb a German living on Broad River in this Province, for having planted a Vineyard from which he had made wine and brandy. The poor man died that Summer, but his Vineyard is still carefully attended and has now 1600 bearing Vines, and there are in his Neighbourhood two Vineyards one with eight hundred and one of five hundred bearing vines, besides several of inferior numbers, all pleasing themselves with the hopes of making wine, which experience only can teach them to succeed in, with regard to the culture of the Vines, as well as the fermentation of the Grapes. In the Township of Hillsborough, where the Colony of French Protestants who came to this Province under her Majesty's royal Countenance in 1764 have several Vineyards, they are very sanguine in pursuing the object. Mr. de St. Pierre informed me he has planted

this

this spear above four Acres of Vines, which in three years time may produce several Hogsheads of wine. The success of a few will soon invite many to follow the example.

It is with the greatest satisfaction I acquaint your Lordship that the Operation of the Circuit Court Act produces the most happy effects in the interior parts of the Province. Many had conceived terrible apprehensions of the arbitrary behaviour of the Judges and the rapaciousness of the Lawyers, but by the experience of two Circuits the impartiality, prudence and affability of the former and moderation of the latter render them most acceptable visitors, which, with Law, will introduce civility among them, and in a few years give a very different face to the Country. One thing and the most needful, is still wanting to compleat the civilizing them, which is establishing Parishes, Churches and Schools among them. It is with great concern I observe to your Lordship that all the Churches are confined to the Sea Coast, that except St Marks and St Matthews, Parish Churches which are about eighty

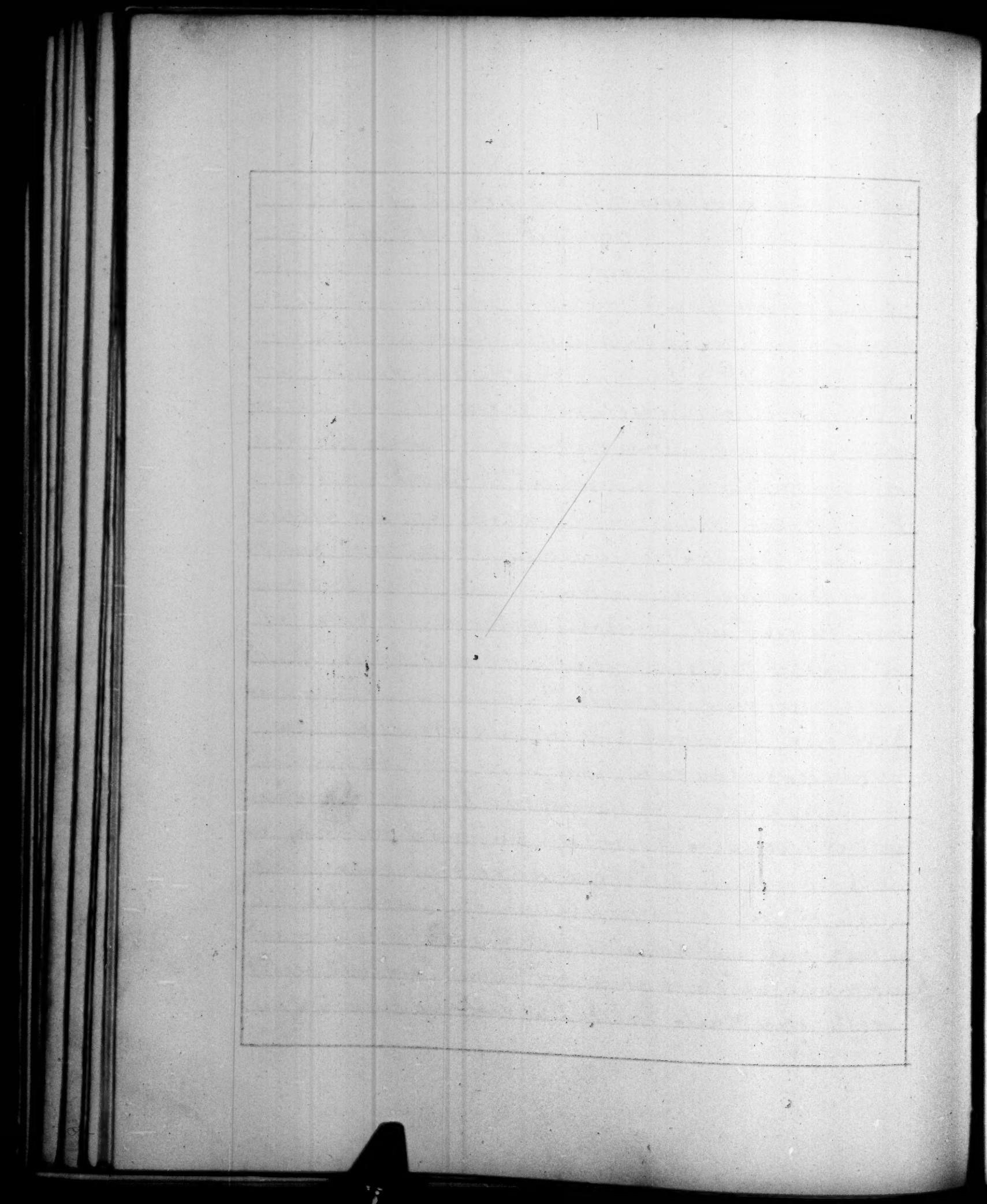
eighty miles from the Town, all the rest are not above thirty miles from the Sea Coast And thus two thirds of the white Inhabitants are destitute of a regular parochial attendance on divine worship. The richest part of the Province is near the Sea Coast, where Rice and Indigo are cultivated by Negroes, who are very numerous and white Inhabitants few in proportion, and in the interior parts where some indigo, much wheat, Tobacco and hemp are produced the ground is chiefly laboured by white men, and very few negroes. The good disposition of the generality of these people towards their religious concerns appears by their sobriety of behaviour and attendance on such persons who assume the Character of Preachers, tho' generally very enthusiastic or ignorant of such matters, as well as from their chearfully contributing out of their poor pittance towards the support of such men as undertake to minister the Gospel to them.

I proposed to the Assembly about three years ago to make provision for schools in the interior parts, which was chearfully agreed

agreed to, but fell to the ground with all other
business at that time, but I doubt not will
be successfully revived when the Assembly
are in a proper temper to proceed on business.
I have the honor to be with the greatest respect
My Lord your Lordship's
Most obedient &
Most humble Servant
Wm Bull

To the
Right Honorable
the Earl of Dartmouth
his Majesty's Principal Secretary
of State for America
at Whitehall.

Received 5th July.



B. P. R. O. America & West Indies Vol 228
Inclosed in Govr Bull's letter of May 15th 1773.

South Carolina

Know all Men by these Presents that I Henry Peronneau Esquire Joint Public Treasurer of the Province of South Carolina, am held and firmly bound unto our Sovereign Lord King George the third in the Penal Sum of Twenty thousand pounds proclamation money of America - And we Henry Laurens, Alexander Garden, Thomas Smith, John Hobsden, and John Paul Grimke of the same place Esqrs and every of us, are also held and firmly Bound unto our said Lord the King in the penal sum of Four thousand pounds like proclamation money of America each to be paid to our said Sovereign Lord King George the third his Heirs and Successors. To which payment well and truly to be made and done we do bind ourselves & each of us for himself and not each for the other our and each of our Heirs, Executors and Administrators firmly by these Presents Sealed with our Seals Dated the Twenty eighth day of

of February in the year of our Lord One thou-
sand seven hundred and seventy one, and in the
Eleventh year of his Majesty's Reign, Whereas
the above bounden Henry Peronneau by an
Ordinance of the General Assembly of the said
Province, hath been nominated and appointed
joint Public Treasurer of the said Province, to-
gether with Benjamin Dart Esquire, And Where-
as by the said Ordinance it is required, that
the said Henry Peronneau and Benjamin Dart
and every other Public Treasurer hereafter to be
appointed shall before he takes upon him the
Execution of his Office enter into Bonds in the
Sum and under the Terms thereby particularly
specified to his Majesty his heirs & Successors
for the due Execution of the said Office to be
approved of by the Governor or Commander in
Chief of this Province and his Majesty's Council,
And Whereas the Honorable William Bull Esq.
Lieutenant Governor with the Concurrence of his
Majesty's Council of the said Province hath ap-
proved of the several Persons above named as
Securities in Behalf of his Majesty for the pur-
poses mentioned in the said Ordinance, The

Condition

Condition therefore of the above obligation is
such, that if the above bounden Henry Peronneau
shall and will henceforth well and faithfully ex-
cute on his part the said Office of Joint Public Trea-
surer from time to time and at all times during
his Continuance in the said Office, And also shall
and will truly and faithfully satisfy pay & apply
all such Monies as shall come to his Hands by
virtue of any Act or Acts or Ordinance of the Gen-
eral Assembly heretofore made, or which shall
hereafter be made as Joint Public Treasurer in
such manner and to such uses as hath or
shall be directed by such Acts or Ordinances
of the General Assembly, And also if he the
said Henry Peronneau his heirs Executors and
Administrators shall and will well and truly pay
to such person or Persons as the General Assembly
shall nominate and appoint for that purpose
at the time of his being diverted of his Office
by Death, removal or otherways, all such Sum
and Sums of Money as he shall be then in Ar-
rears indebted or owing by him as Joint Public
Treasurer aforesaid to the Public of this Pro-
vince, then the above written Obligation shall

be

be void and of none effect, or else shall abide and remain in full force and virtue.

Henry Peronneau (Seal)

Signed Sealed and delivered in the presence of
James Simpson
Thomas Farr Junr

Thomas Smithe (Seal)
Henry Laurens (Seal)
Alexander Garden (Seal)
John Paul Grimke (Seal)
John Hobsden (Seal)

South Carolina

James Simpson being duly sworn made Oath that he did see the within named Henry Peronneau, Thomas Smithe, Henry Laurens, Alexander Garden, John Paul Grimke and John Hobsden severally Sign Seal and as their Act & Deed deliver the within Bond, and that he and Thomas Farr subscribed their names as Witnesses thereto Sworn this 1st day of March Anno Domini 1771

before me George Murray.

South Carolina

Secretarys Office A True Copy taken from the Record and examined per

Thos Skottowe Secry

B. P. R. O. America & West Indies Vol 228
(No. 6.)

Whitehall 10th June 1773

Lieutenant Govr Bull

Sir,

I have received and laid before the King your dispatch of the 9th of March No 64. and have the pleasure to acquaint you that His Majesty very much approves your having opened the Session of Assembly with a short speech couched in general terms, and sees with satisfaction the happy effects of it in preventing any further discussion of the unwarrantable claim of the House of Representatives respecting the Issue of public money.

What you say upon the subject of that claim, gives me better hopes than I have yet had that this very disagreable business which has so long obstructed the public welfare of the Colony may at length be accommodated, and peace and harmony restored, and you will give me leave, Sir, to say that I should be particularly happy from the opinion I entertain of your merit, if an Event so favourable to the

Province

Province and so eagerly wished for by all the Kings servants may be brought about during your Administration.

The rejection of the Tax Bill by the Council for the reasons stated in your Letter, is considered by the King as a fresh mark of their zeal and duty, And I am commanded to desire you will not fail to signify to them His Majesty's Approbation of their Conduct.

I take this opportunity of acquainting you that the King has been pleased to appoint Lord William Campbell to be Governor of South Carolina, in the room of Lord Charles Greville Montagu, who has resigned, but I presume it will be some time before he can enter upon his Government, as his Commission and Instructions cannot be dispatched until I know whether his Lordship intends returning to England or going directly from Halifax to Charles Town.

I am &c.ª
Dartmouth.

B.P.R.O. America & West Indies Vol 225
(N.° 57.)

Charlestown
June 11th 1773.

My Lord,

On the 30.th of last month I received the honor of your Lordships circular letter with his Majesty's Order in Council of the 7.th of April last, and the next morning I communicated the King's order to his Majesty's Council and caused it to be entered in the Council Book. I sent a notification of his Majesty's pleasure to the Surveyor General, Attorney General and Secretary of the Province, that immediate and punctual obedience should be paid thereto in every Office concerned in surveying Lands or preparing Grants, and I published the same in the Gazette that persons intending to apply for warrants and grants should not be put to fruitless expence and unnecessary trouble in coming to Town to prosecute such applications. Altho' this Royal Order hath for the present struck a damp on such as were desirous of obtaining Lands, who are very numerous

yet

yet a confidence in his Majesty's goodness comforts them with the hopes that the Land Offices, under the just and expedient Regulations which the Royal wisdom hath directed to be made, will be soon again opened, which they wait for not without some little degree of impatience, as my Lord, the securing of Lands for the rising Generation is a matter of great importance to a poor and provident Man with a large family; for when Land hath been worn out by long cultivation, the arts and means of manuring practiced in England being unknown here, the industrious find their only resource in working upon fresh land.

I beg leave to acquaint your Lordship that, upon this occasion I caused a search to be made in the Offices of the Surveyor General and Secretary to know the number and in what situation the Petitioners stood, whose applications for Land were pending. Upon a report thereof I find that at the time the King's order was received here, 126 Grants lay ready and were to have been signed by me the next day, 903 plats of Survey were returned

returned into the Surveyor General's Office in order that Grants should be prepared and 1876 Warrants to survey Land, issued by Lord Charles Montague and myself in the six preceding Months, were at that time dispersed thro' the Province in the hands of Deputy Surveyors actually employed in running out Lands for Persons who had proved their family rights in Council, most of whom were poor Emigrants from the Western parts of Virginia and Pensylvania, some from Ireland, some from an Increase of family by children, or the purchase of a Negro by former poor Grantees, and were chiefly small Tracts from 100 to 350 acres, with a few of larger quantity to the more opulent Inhabitants.

I thought it might not be improper to lay before your Lordship a short state of these matters at this period, but if your Lordship thinks it unnecessary, I humbly ask your Lordship's pardon for the Trespass, which hath proceeded from my desire to give your Lordship a particular information of any circumstances which your Lordship's attention

attention and wisdom may convert to the service of the King and the benefit of his Majesty's loyal Subjects, the constant object of the Royal goodness

I have the honor to be with the greatest respect

My Lord

Your Lordships

Most obedient and

Most humble servant

Wm Bull

To the right honorable
The Earl of Dartmouth
his Majesty's Principal Secretary
of State for America at
Whitehall.

Received 23d July

B.P.R.O. America & West Indies Vol. 228

Georgia 16th June (1773)

My Lord,

Since I had the honour of addressing your Lordship by Letter last week I have received an authentic copy of the Bond enter'd into by the Public Treasurers which I take the liberty of enclosing to lay before your Lordship, wherein you will see the penal Sums they and their Securities are bound to his Majesty for the observance of the Conditions thereof, among which it is set forth, that they are "truly and faithfully to satisfy pay and apply all such Moneys as shall come to their Hands by virtue of any Act or Ordinance of the General Assembly in such manner and to such uses as hath or shall be directed by such Acts or Ordinances of the General Assembly."

The framing of this Bond has been subsequent to the Receipt of the Instructions of 14th April 1770 and subsisting which it will be impossible for a Publick Treasurer to apply Moneys in any Manner inconsistent with the Provisions

Provisions thereof in Consequence to render the Instructions needless.

I may therefore hope it will no longer remain the obstacle it hitherto has to Public Legislative Proceedings within the Province of So Carolina

With the highest respect

I am

My Lord

Your Lordships

Most obedient and

Most humble servant

Chas Garth

The Earl of Dartmouth

Received 21st June.

B P R O America & West Indies Vol 228

Inclosed in Mr Garths of 16th June 1773

The joint Publick Treasurers Bonds

South Carolina

Know all Men by these Presents that I Benjamin Dart Esquire, joint Publick Treasurer of the Province of South Carolina, am held and firmly bound unto our Sovereign Lord King George the Third, in the penal sum of Twenty thousand Pounds Proclamation Money of America, And We Peter Manigault, Henry Laurens, Charles Pinckney, Miles Brewton, William Burrows, William Williamson, Samuel Prioleau, Robert Williams Junr Daniel Horry and Benjamin Guerard of Charles Town in the said Province Esquires, and every of us, are also held and firmly bound unto our said Lord the King, in the penal sum of Two thousand Pounds like Proclamation Money of America each, to be paid to our said Sovereign Lord King George the Third, his heirs and Successors. To which

Payment

Payment well and truly to be made and done, we do bind ourselves, and each of us, for himself and not each for the other, our and each of our heirs, Executors and Administrators firmly by these Presents, sealed with our Seals, dated the Twenty Eighth day of February in the Year of our Lord One thousand seven hundred and seventy one, and in the Eleventh Year of His Majesty's Reign.

Whereas the above bounden Benjamin Dart by an Ordinance of the General Assembly of the said Province, hath been nominated and appointed joint Public Treasurer of the said Province together with Henry Peronneau Esquire, And Whereas by the said Ordinance it is required that the said Benjamin Dart and Henry Peronneau, and every other Public Treasurer hereafter to be appointed, shall before he takes upon him the Execution of his Office, enter into Bonds in the Sum and under the Terms thereby particularly specified, to his Majesty, his Heirs and Successors for the due Execution of the said Office to be approved of by the Governor or Commander in Chief of this Province and his

Majesty's

Majesty's Council. And Whereas the Honorable William Bull Esquire Lieutenant Governor, with the Concurrence of his Majesty's Council of the said Province, hath approved of the several Persons above named as Securities in behalf of his Majesty for the Purposes mentioned in the said Ordinance. The Condition therefore of the above Obligation is such, that if the above Bounden Benjamin Dart, shall and will henceforth well and faithfully execute on his part, the said Office of Joint Public Treasurer, from Time to time, and at all Times during his Continuance in the said Office, And also shall & will truly and faithfully, satisfy, pay and apply all such Monies as shall come to his hands, by virtue of any Act or Acts, or Ordinances of the General Assembly heretofore made, or which shall hereafter be made, as Joint Public Treasurer, in such Manner and to such uses, as hath or shall be directed by such Acts, or Ordinances of the General Assembly; And Also, if the said Benjamin Dart, his heirs, Executors and Administrators shall and will well and truly pay, to such Person or Persons, as the General Assembly shall Nominate and appoint for that purpose at the Time of his being

invested

divested of his Office by death, Removal or otherways, all such Sum and Sums of Money as he shall be then in Arrears, indebted or owing by him as Joint Public Treasurer aforesaid to the Public of this Province, then the above written Obligation shall be void, and of None effect, or else shall abide and remain in full Force and Virtue.

Signed Benjamin Dart L.S.
Peter Manigault L.S.
Charles Pinckney L.S.
Samuel Prioleau L.S.
Robert Williams Junr. L.S.
Miles Brewton L.S.
Henry Laurens L.S.
Daniel Horry L.S.
William Burrows L.S.
William Williamson L.S.
Benjamin Guerard L.S.

Signed, Sealed & Delivered
in presence of James Simpson
Thomas Parr Junior

South Carolina
Secretarys Office } A true Copy taken from the Records & examined per
Wm Nisbett D. Secry

B.P.R.O. America & West Indies Vol. 225

Devizes. June 17th 1773

Dear Sir,

I have just received the enclosed Papers from Carolina which I take the liberty of forwarding to you, that the Secretary of State may know in what a defenceless condition the Fortifications of Charles Town are and have for some time been. You will observe a proposition made and approved for increasing the Allowance for the Governor's Household. It is a justice due to the Assembly to notice to you that this Measure took its rise in the House and was not in consequence of any Requisition. From the Powder Receivers Account you will see the quantity of Powder expended in one year in the way of private Compl.t

I hope this will find you in health, and with much regard I am, D.r Sir.

Your very obed.t humble servant

Chas Garth

Jn.o Pownal Esq.r

B. P. R. O. America & West Indies Vol 225.

Extracts from the
Assembly Journals
relative to the providing
a H.e for the Govr and
concerning the state of the
Fortifications

In Mr Gartlis of 17th June 1773
to J. P.

B P R O America & West Indies Vol 225
Inclosed in Mr Gartlie's letter of 17th June 1773

South Carolina

In the Court of
General Sessions of the Peace &c
18th April 1771

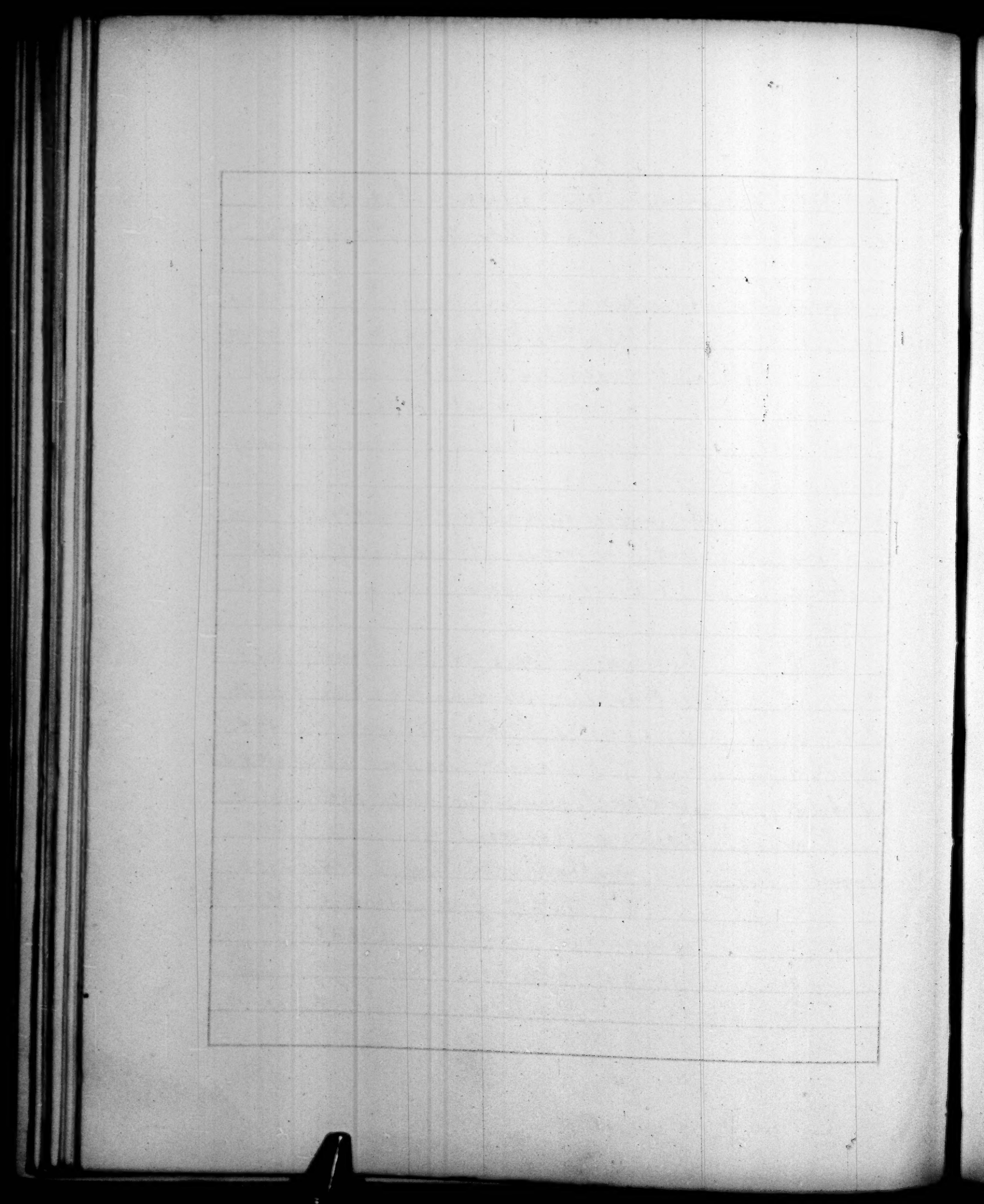
Copy of the 1st Presentment of the Grand Jury

We present as a grievance the present ruinous state of the Fortifications in General, and Johnston's Fort in particular.

I James Johnston Clerk of the Crown and Peace for the Province aforesaid do hereby certify that the above is a true copy of the first presentment of the Grand Jury at April Sessions 1771, as taken from the original, filed and recorded in the Crown Office.

Witness my Hand the 8th day of May 1773.

Jas Johnston
C. C. & P.



B.P.R.O. America & West Indies Vol 228
Inclosed in Mr Garth's Letter of 17th June 1773.

Account of Public Gun Powder expended by order of His Excy the Right Hon.ble Lord Charles Greville Montagu Captain General, Governor & Commander in Chief of and over his Majesty's Province of South Carolina

1771				
October 1st	For	Fort Johnson		500
Novemb.r 4		Broughtons Bastion	500	
25		Fort Johnson	1500	2000
Decem.r 13		Broughtons Bastion		500
1772				
Janry 6		Cravens Bastion	200	
9		Artillery Company	200	400
Feb.y 19		Commissary Shee.r		100
April 15		Ditto		100
July 23		Artillery Company	800	
30		Cravens Bastion	300	1100
August 11		Ditto	500	
28		Ditto	500	1000
Septem.r 11		Beaufort	1000	
21		Broughtons Bastion	1000	
28		Fort Johnson	1000	
30		Cravens Bastion	500	3500

October 23	Broughtons Bastion	300
Novem^r 23	Fort Johnson	1000
1773.		
Feby 9	Broughtons Bastion	500
	Total	12200.

I do certify that the above is a true Account as appears by the Powder Receiver his Books

John Walker Clerk.

Charles Town
South Carolina
May 5^t 1773.

B P R O America & West Indies Vol 228.
(N° 58)

Charlestown July 24th 1773

My Lord,

On the 7th instant our General Assembly met according to Adjournment, but there not being a probability of having a full House, or rather not a disposition to do business under their present circumstances, on the 9th I prorogued them to the 9th of next month. There is now a Parliamentary opportunity of bringing in a new Tax Bill, but as far as I can penetrate their Temper and Intentions, the same spirit of refusing to conform to the late Royal Instruction relative to the mode of framing Money Bills will still prevail. For however tenderly individuals speak upon the subject out of doors, when it is agitated in the Assembly Chamber, they become unanimous in their resolutions to adhere to what they call their right to be free from the influence of such an Instruction. I therefore expect that nothing will be done in the Legislative way. For as I had the honor of representing to your Lordship

Lordship already, that the General Duty Law which provides for the support of the Clergy and Judges, hangs upon the end of the next Session, I cannot pass any Law, until they have made provision for these two Grand branches of Public Service, And the Assembly seem determined not to continue or revive the General Duty Law until they can pass a Tax Bill in their own, the usual, way.

I am further to acquaint your Lordship that the Assembly of this Province at their last Meeting did unanimously approve of the Resolutions of the House of Burgesses of Virginia of the 12th of March last, which have been published in all the American Gazettes; and our Assembly have appointed a Committee to enquire for and obtain intelligence upon the several matters mentioned in the said Virginian Resolutions, and to correspond with the Committee of Virginia or any of the sister Colonies upon that subject. As I doubt not but those Virginian Resolutions have long since been transmitted to your Lordship, I shall not trouble your Lordship with a stale

state copy thereof.

I have the honor to be with the
greatest respect

My Lord

Your Lordships

Most obedient and

Most humble servant

Wm Bull

To the right honorable
The Earl of Dartmouth
his Majesty's Principal
Secretary of State for America
Whitehall

Received 6th September

B.P.R.O. America & West Indies. Vol 228
(N.º 7)

Whitehall 4th August 1773

Lieutenant Governor Bull

Sir,

I have received and laid before the King your dispatches of the 15th May and 14th of June N.os 56 and 57.

The success which you may have attended the Endeavors of a few to plant Vineyards in South Carolina will I hope induce others to follow the Example, and I am convinced that nothing but Industry and Application are wanting to the Establishment of this very beneficial Article of Culture.

The Account you give of the good Effect of the Court Act in the interior parts of the Province is very pleasing to the King, but I agree with you in opinion that the plan of Civil polity must be considered as imperfect until some provision is made for a regular and proper Establishment of religious worship. The situation of the Inhabitants in the back Counties is indeed in that respect truly deplorable

deplorable, and I shall be very glad if it may be one of the first objects of the attention of the Legislature when the Assembly is in a proper temper to proceed upon business; in the mean time I have taken care that a State of the case shall be represented to the Society for the Propogation of the Gospel, in hopes that their funds will admit of some Establishment being formed that may at least serve to cherish and encourage the good disposition of those Inhabitants until better provision can be made.

The steps you took in consequence of his Majesty's order in Council of the 7th of April were very prudent and proper and you have done no more than your duty in communicating to me a State of the Land Office and the Entries therein at the time the order arrived; for it appears to me that the Cases you have pointed out are of a nature that ought, both in justice and reason, to be considered in any new Plan for the disposal of the King's Lands.

I am &c.ª

Dartmouth.

B P R O America & West Indies Vol 228
(N° 59)

Charlestown
August 26th 1793

My Lord,

On the 6th instant, I was honoured with your Lordships Dispatch n° 6 & I immediately signified to His Majesty's Council the King's approbation of their conduct, in rejecting the Jay Bill last April.

I beg leave to repeat my assurances to your Lordship that I will exert my best endeavours for His Majesty's service in the administration of this Government until the arrival of Lord William Campbell, whom His Majesty has been pleased to appoint our Gov.r in the room of Lord Charles Montagu who resigned.

Our General Assembly met the 9th instant, according to prorogation. As the Assembly by Message acquainted me that they were ready to proceed upon business, altho' I had no expectation that they would proceed effectually, yet I would not leave them a pretext for complaining

complaining that I would not give them the opportunity. Under such apprehensions I was unwilling to open the Session with the solemnity of a Speech and address, which would become ridiculous if all the fair words were soon to vanish in smoke. I therefore sent a general Message to each House. And if all that is necessary cannot be done, I am ready to concur in what can be done. I transmit to your Lordship a Copy of my Message to the Assembly and their Answer, in which they repeat their adherence to the Resolution not to conform to the late Royal Instruction. I thought it prudent not to take notice of the declaratory paragraph as it would only revive a dispute that could not be brought to a successful decision, and to resent the indelicate epithet "Ministeral Instruction" would be of as little avail, which hath been already animadverted upon. In this silence, I had a further idea in view, lest by entering at large again upon this disagreable subject, the Assembly might, by an hasty Resolution, shut the door against the Expedient of a Declaratory Act, the only medium which

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at present seems sufficient to answer the intention of the Royal Instruction, as it is much easier to prevent than rescind a Resolution.

There is a matter relative to our Public Treasury which it may be necessary for me to explain to your Lordship. The Council presented an Address to me, which I have transmitted for your Lordship's perusal, with my answer, and their Resolves, upon taking my answer into consideration; all which they ordered to be published in our Gazettes. Tho' I believe it is not usual for the House of Lords in England (of which august Body our Council in their Legislative capacity are an humble Epitome) to take the first step to lay their proceedings before the Tribunal of the Public And Sincerely think, if this Appeal to the People had not been made, the End proposed by their Address had been as effectually attained without any alarm or offence given. With your Lordships permission I shall now state the case. Our Cash in Gold, Silver and Paper Currency is by much too little to answer the end of a medium in Trade where there is so rapid a progress in

in our prosperity and more especially at a time when from the present low price of Rice in Europe, and a very large Importation of Negros, the Negro Merchant, who is obliged to make quick remittances, as well as others in inferior branches of Commerce, does it in Gold and Silver which daily diminishes that species of our money, besides 7 or £8000 sterling annually carried by the Gentlemen of this Province, who resort to the Northern Provinces for health or pleasure. It has therefore been customary for the Public Treasurers, who give security to the amount of £20,000 Proclamation money, for the faithfull discharge of their Office, to take upon themselves the sums due from Merchants for Duties, and become responsible to the Public Treasury for the same, and for this risque, to receive the usual Interest for their forbearance. This safe indulgence is considered as an advantage to the community, as that money, which would lie dead in the Treasury, and lessen the Medium already insufficient, is circulating in Trade. There may be above one hundred Merchants

Debtors

Debtors on this Account, and perhaps each on an average in seven Notes or Bonds If, according to the desire of the Councils Address, I had ordered each Merchant Debtor to be sued (the the only persons who were accountable to the Public Treasury were the two Joint Treasurers) in order to raise the money, 'tis probable each Merchant would have called upon his Debtors It is obvious to your Lordship what a multiplicity of ~~suits~~ suits must have sprouted from this order, and what distress and shock to Trade must have been the consequence of a general and rigorous call for money, when a warm demand only on the Merchants from the Treasurers would have answered the end proposed One of the Joint Public Treasurers has informed me that he has called upon the Merchant Debtors for the Duties owing; they give the strongest assurances that they will make a point of furnishing him in time with money for the occasion of the Treasury. This must be done in gold, which at present is very scarce. For if paid in Paper Bills, which several Merchants say they can comply with, it

it cannot be re-issued, being almost all ordered, by the Laws issuing it, to remain in the Treasury to be burned. The payment therefore of these Duties in paper, would distress the Community by lessening the Medium in Trade, without giving the relief to the Treasury that is desired. The course of our Trade will begin in November to bring in Gold to purchase Rice and Indico, and then will begin some effectual supply to the Treasury. The Merchants were alarmed at the unprovoked wound, which this Publication seemed to aim at their Credit here and abroad. And the Assembly as well from this consideration, as the want of attention to this matter, charged on them in one of the Resolves of the Council, have also entered into the examination of the state of the Treasury, and have likewise published their proceedings in this matter for the Information of their Constituents, which I transmit to your Lordship.

Will your Lordship allow me to proceed a little further on this subject, and mention a benefit, which it is expected by a few, will arise to the Public out of that general distress and confusion

confusion which the proceedings of the Council have a manifest tendency to create, if a precipitate and rigorous execution of the measures recommended in their Address, and pointed out in their subsequent Message and Resolutions, were to take place, to wit, that when the Assembly saw the Province in that unhappy situation they, in pity to their Country, would proceed to do business effectually by conforming to the Royal Instruction as the only resource of relief and to prevent general ruin. But your Lordship will permit me on the other hand to mention that some in the opposition have said that the expiration of the general Duty Act was a desirable event for their purpose, as it would create much confusion in the religious and civil Establishments, subjecting to great difficulties those persons who now receive the reward of their services, and perhaps, subsistence from that Fund; As the Assembly might lay hold of the opportunity to refuse renewing that necessary and important Fund on any other Terms than a revocation or relaxation of the Royal Instruction, in hopes that pity to the distresses

distresses of the sufferers would flow from another Fountain. Thus opposite effects are expected from one cause. How far the Assembly are likely to be influenced thereby is not difficult to foresee from the Tenor of their Messages. For Planting, Commerce and Private Credit will go on for sometime in such a situation without suffering much. A present exemption from Taxes & Duties will flatter the bulk of the People who are to pay them, whose feelings of immediate advantage are apt to prevent their seeing the distant evils which this very exemption must occasion, for the want of those services established for the good order of the Community and paid out of those Funds. Upon the whole I think the experiment dangerous, and that the religious precept, which forbids the doing evil that good may come from it, is equally weighty and safe in Politicks.

Having received an intimation that the Council were preparing a Message to me relative to these matters, after their reading the Proceedings of the Assembly thereon, I have detained the Packet two days (as the Messages could

could not be delivered to me till after the time fixed for her departure) that I might submit the whole to your Lordships at one view.

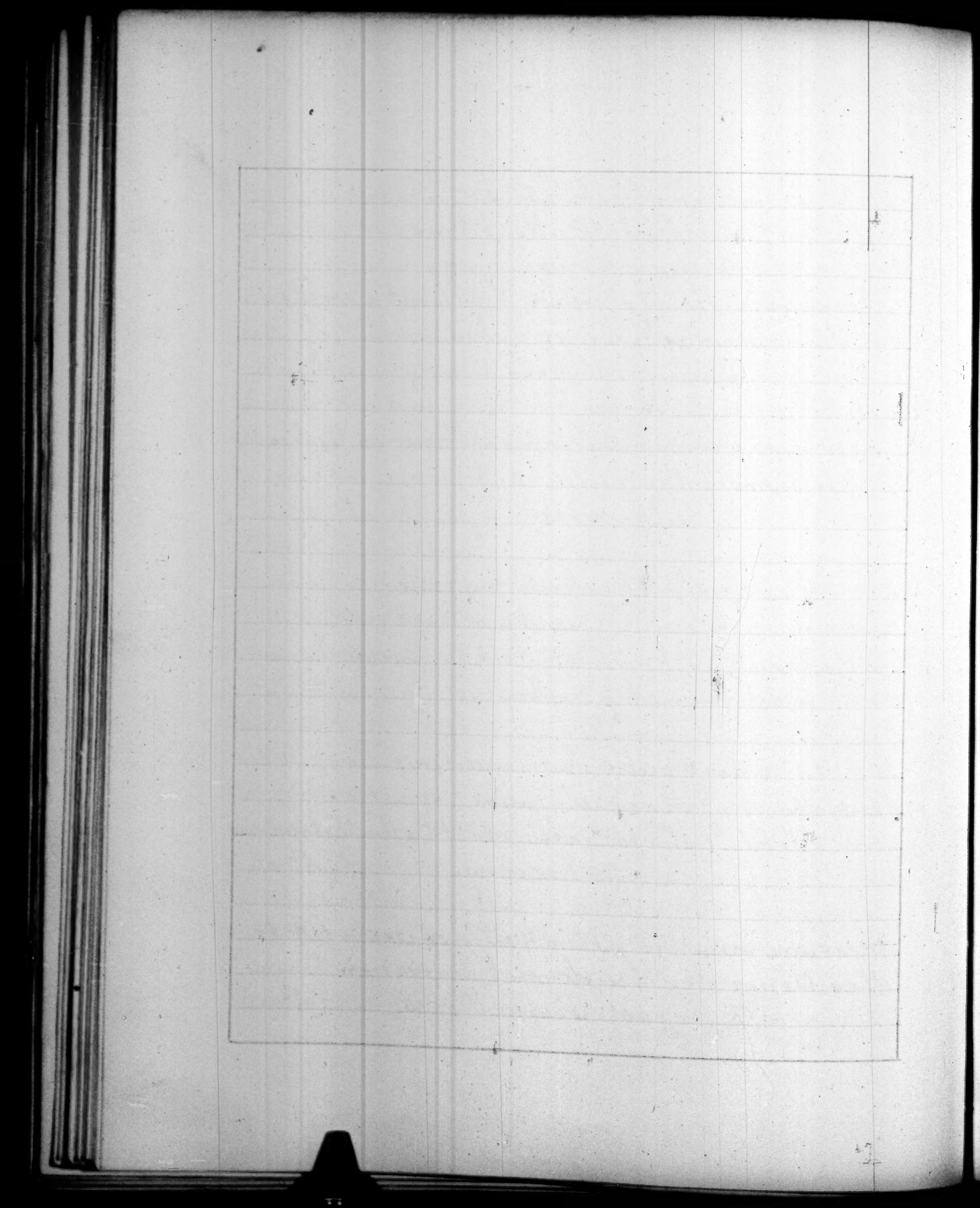
I humbly beg your Lordship's pardon for this long, and I fear, tedious detail, I was desirous to state the matter clearly, which an affected conciseness might have rendered obscure.

I have the honor to be with the greatest respect

My Lord
Your Lordships
Most obedient and
Most humble Servant
Wm Bull.

To the right honorable.
the Earl of Dartmouth
his Majesty's principal
Secretary of State for America
at Whitehall.

Received 11th October.



B.P.R.O. America & West Indies Vol 228.
In Lieut Govr Bull's (No 59)
of 26th August 1773.

Message from His Honor the Lieut Governor
to the Commons House of Assembly
August 11th 1773. (No 1)

Message from the Commons House of Assembly
to his Honor the Lieutenant Governor
August 13th 1773. (No 2)

The South-Carolina Gazette
Numb 1965. Monday, August 16th 1773.
Charles-Town: Printed by J Powell & Co at the Printing Office near
the Exchange (No 3)

The South Carolina Gazette
Numb 1966. Monday, August 23, 1773.
Charles-Town: Printed by J Powell & Co at the Printing Office near
the Exchange (No 4)

Message from the Upper House of Assembly to
His Honor the Lieutenant Governor
23rd August 1773. (No 5)

Resolutions of the Upper House of Assembly
23rd August 1773. (N° 6)

Extracts from the Journals of the Upper
House of Assembly referred to in their Message
of the 23rd August 1773. (N° 7)

B.P.R.O. America & West Indies Vol 228.
(N° 60)

Charlestown
September 18th 1773

My Lord,

Since my last, Scenes of a very extraordinary nature have opened on our Legislative Theatre. The Council, in their Legislative capacity, committed a Printer to Goal for printing a protest as part of their Journals without their order. The Printer brought his habeas corpus returnable before two Justices according to the Act N° 332, Page 235 in Trotts Collection of Carolina Laws, who, after the formality of 24 hours deliberation, discharged the Printer. The Justices were Mr Lowndes the Speaker, and Mr Powell also a Member.

I do not attempt, my Lord, to justify every step taken by the Council, but to state the proceedings. The Council thereupon sent a Message to acquaint the Assembly therewith, and desired that the Privilege of those two Members might be waved. The Assembly not only refused this, but have given the thanks of their House

House to the two Justices for their behaviour in that business, voted the Commitment unconstitutional and oppressive, and came to a resolution to address me to suspend the said Members of the Council and to appoint others in their stead until his Majesty's pleasure can be known, with directions to their Agent to represent to the King the conduct of the Council, and implore their removal or such marks of the Royal displeasure to them as may prevent for the future such an encroachment on the liberties of the People, and to employ Counsel & to furnish them with arguments in support of representation.

As the joint Public Treasurers had been under examination of the Assembly at the Bar of their House (resolving that they unduly paid the Salaries to the Judges, tho' under the sanction of an opinion of his Majty's Attorney and Solicitor General in England, and relative to other parts of their behaviour, for taking Notes from the Merchants owing Duties to the Public, which had been practiced for 17 years, uncensured, by the late Treasurer Motte)

Motte) where their repeated refusal to obey the orders of the Commons to issue money had probably placed them in no favourable light. I had expectation to have closed their sitting of the General Assembly earlier, as the Assembly had issued a new order to the Public Treasurers to advance (omitting the former "style "out of any monies in the Treasury") the sum of £1500. for the relief of a number of poor Irish Protestants lately arrived, which the Treasurers with becoming firmness, refused to obey. But before the refusal could be notified in form which would have brought on the expected commitment of the Treasurers, the Message from the Council respecting the Privilege of the two Justices drew, for a short time, their attention to another grand object, the propriety & legality of the proceeding of the Council in the above mentioned Commitment. Had their derogatory sentiment of the Assembly, relative to the Councils Powers, been a sudden start of argument, I might have had hopes that a Prorogation would put an end to it, but I beg leave to represent to your Lordship that a

spirit

spirit of degrading the Council, in various ways has prevailed more or less in the Assembly for 28 years. About the year 1745 this spirit first appeared and was wrought up to such a degree of democracy that two Members in a private manner, not by order of the House, waited upon the then Governor and desired to know whether he would ratify or give his assent to a Bill presented to him by the Assembly, without sending it to the Council as usual for their concurrence, and they had a Majority ready to carry the proposal into execution, but the Governor, being sensible that his compliance therewith must draw down the King's most heavy displeasure on him, and that such an imperfect act could not have the force of a Law, had the prudence to answer in the negative. This gave a check to, but could not efface the idea. It was often revived occasionally in debates whenever the Council persevered in any opinion differing from theirs. The foundation of their Arguments have hitherto been raised chiefly upon the instability of the Council, being removable at pleasure, and of course subject to the

influence

influence of those who have the power of removal, and that the part which the Council have acted in reading and passing Bills has been only as a Council to advise the Governor what Bills are proper for his assent, tho' the bringing in Bills in the Council and sending them to the Assembly, where they have been read, tho' very rarely practiced, and the rejecting of Bills frequently practiced by the Council, are Acts of an Independent Legislative Body, and not merely the Acts of a Council as a Board of Advice only. The Council by virtue of the powers mentioned in the Royal Commission and Instructions to the Governor have exercised a share in Legislature, which has been confirmed by an usage of 54 years, from the time when the people of Carolina threw off the Government of the Lords Proprietors, implored the immediate protection and Government of the King, and elected James Moore Esquire their Governor in 1719, and adopted themselves the enacting style of Laws which has been used ever since with regard to the Council, as may be seen in Trotts Collection at that period. I shall not presume to enlarge further upon this matter as the

several

several Powers and Privileges which the Council have a right to exercise and enjoy, will, in discussing the address from the Council and Representation from the Assembly to the King be deduced from the fountain head, and be fully cleared up, explained and established, and prevent future disputes.

That opinion of the imperfection of the Constitution of the Council in Legislature entertained by the Assembly is now at a great height, and seems approaching to a crisis, I thought it not proper, therefore, to prevent its being laid before his Majesty where only it can receive a final determination; for I must desire your Lordships leave to observe, that the discussion in America of so delicate and important a point between a Governor or Council and the Assembly serves only to interrupt Public Business and to keep up fruitless and acrimonious altercation, but never produces a satisfactory decision; especially when the Temper of the present times in America seems to dispose the People to enlarge their share of Power. And I may add that I humbly conceive the frequent attacks from

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the Assembly impotently, because ineffectually resisted, have so much degraded the Council in the eyes of the People, that their situation, formerly respectable, is now become rather humiliating and obnoxious, and is in a great measure the reason why Gentlemen of the first consequence among us have lately declined a seat at that Board to the great detriment of the King's service and of the Tranquility and welfare of the Province
I have inclosed copies of the Addresses of the Council and the Assembly to me with my answers to each for your Lordship's perusal, and such other papers relative thereto as are published in our Gazettes. I shall order the Clerks of the Council and Assembly to prepare their Journals as soon as possible, to be transmitted to London.
I herewith transmit to your Lordship the Address from his Majesty's Council as an Upper House of Assembly to the King, with the return of the Habeas Corpus therein mentioned, and I humbly intreat your Lordship will please to present the same to his Majesty, at such time as shall appear to your Lordship to be most proper.
Soon after the Assembly presented their Address

to

to me on the 13th instant, they postponed, not their favour, the receiving the notification that the Treasurers had refused to obey their order, and desired my leave to adjourn to the second Tuesday in January next, as from the conduct of the Council they saw no probability of dispatching the Public Business, which I accordingly gave them, as there are several Bills of consequence depending, especially one for applying £100,000 for rebuilding Fort Johnson. Before that time it is possible I may receive some light from your Lordships relative to this grand matter now submitted to the King.

I received from Mr Secretary Pownal the Acts of Parliament relating to America which were passed last Session.

I have the honor to be with the greatest respect

My Lord your Lordships

Most obedient and

To the Rt honble the Earl of Dartmouth His Majestys Principal Secretary of State for America at Whitehall.

Most humble servant

Wm Bull.

B.P.R.O. America & West Indies Vol 228.
In Lieut Gov.r Bull's of the 18.th Sept.r 1773.

South Carolina
To the Kings most excellent Majesty
Most Gracious Sovereign

We your Majesty's dutiful and loyal Subjects, your faithfull Council of your Colony of South Carolina, met as an Upper House in the General Assembly of your said Province, do most humbly beg leave to lay at your Royal Feet the critical and dangerous state of our present situation

This House having on the thirty first day of August last committed to Goal one Thos.r Powell a Printer, for a high breach of Privilege and contempt, yet Sir! notwithstanding the Constitutional Authority of such a Committment, the said Printer, in consequence of a Power given by a Provincial Act (passed so long ago as the year 1712) to two Justices, one being of the Quorum, to put in execution the Habeas Corpus Act to such intents, constructions and purposes as the said Act can be put in execution in your

your Majesty's Kingdom of England," was after a solemn hearing discharged by the Honorable Rawlins Lowndes Speaker, and George Gabriel Powel Esq a Member of the Commons House of Assembly, upon this sole and avowed Principle, that We your Majesty's Council are not a House of Legislature, and therefore have no power or Authority to committ for a Breach of Privilege and Contempt

Astonished at a Judgment so derogatory to the just Rights of your Majesty's Crown so subversive of the Established Constitution of this Country and so big with mischief to your Majs Subjects the Inhabitants of it, we immediately applyed by Message to the Commons House, complaining of the conduct of their two Members, and expressing our expectations that they in their great justice would direct their said Members to waive their privilege, in order that we might proceed to take cognizance of their Breach of Privilege and Contempt against us; but to our utter amazement, the Commons House instead of doing us that justice which we humbly apprehend we had a constitutional right

to

to expect from it: has hitherto taken no notice of our said Message, but on the contrary, did immediately after the receipt of it, Resolve, that the Committment of Thomas Powell by this House was unprecedented, unconstitutional and oppressive, and a dangerous violation of the liberty of the Subject, that the thanks of this House should be given to their Speaker and Colonel Powell, for their able, upright and impartial decision upon the return of the said Habeas corpus, and the reasons given by them for discharging the said Thomas Powell, being extremely satisfactory to this House they did desire Mr Speaker and Colonel Powell to cause their Judgment given on that occasion to be printed and made publick, and that the Message sent from this House to them that day, and the Resolutions accompanying the same, did contain a partial Judgment and an indecent Reflection on the conduct of their Speaker and Colonel Powell, and were a grose and unparalelled insult to that House.

This Conduct of the Lower House, may it please your Majesty, is a public avowal and approbation of what their two Members have done,

done; and have at once in effect subverted the Constitution of this Government, and as it were abolished one Branch of the Legislature.

We do not presume, Most Gracious Sovereign, to contend that we are cloathed with those transcendant rights which distinguish the House of Lords in your Majesty's Kingdom of Great Britain, but we most humbly submit it to your Majesty's Wisdom, that the British Constitution has been the Model of our own, and that by virtue of your Majesty's Commissions & Instructions to your Majesty's Governors of this Colony, we are a second or middle Branch of the Legislature, and so far bear the Image and Resemblance of the House of Lords, and consequently that we are invested with all such incidental Powers, as are necessary to support and maintain the Authority and Dignity of the House, as a Branch of our Provincial Legislature.

With Hearts deeply penetrated with a most lively sense of the fatal consequences which must attend such a Conduct, we presume to look up to your most sacred Majesty for support. Not afraid to discharge our

Duty

Duty to your Majesty, as our past conduct we trust has fully convinced, yet Sire! at this great distance from your Royal Presence, we feel ourselves much too weak to resist so popular a torrent.

Thus fatally deprived of the Power of protecting ourselves in the due exercise of our Legislative Rights, we are convinced from the situation of affairs, that our perseverance cannot in the least promote your Majesty's service, but on the contrary, must expose us to the daily insults, not only of the Lower House, but of every individual in this Country.

But conscious as we are that all our Powers are derived from your Majesty's Royal Mandamus, your Commission and Instructions to your Governor of this your Colony, We humbly beg leave to assure your Majesty, that no discouragement whatever shall abate one particle of our zeal, or in the least degree slacken our efforts, (however unavailing they may prove) to support the just Rights of your Majesty's Crown, which we cannot see thus invaded, without feeling the highest indignation and

and

and concern.

Most Gracious Sovereign! Deign to accept favourably of these Effusions of our Hearts, Dictated by a most dutifull and loyal affection to your sacred Majesty, and a true regard to the Welfare and Happiness of this Country. Restore Great Sir, the Constitution, and vouchsafe to give us such Countenance and support, as your Majesty in your Royal Wisdom, shall think our present dangerous and critical situation may deserve.

In the Upper House of Assembly
the Eleventh day of September 1773.

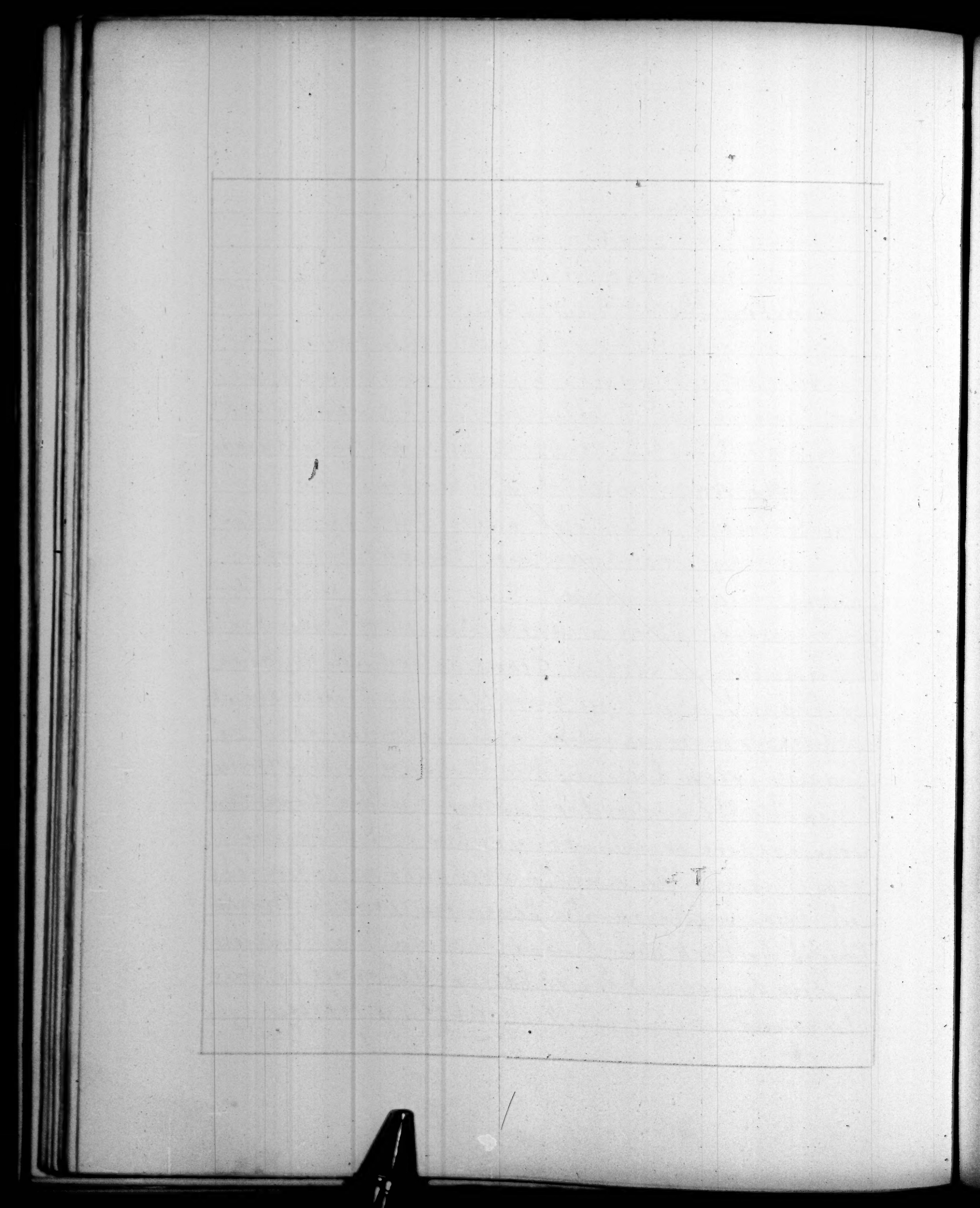
By Order of the House
Egerton Leigh
Presid.t

B P R O America & West Indies Vol 228
In Lieut Govr Bulls of the 18th Sept 1773

South Carolina

I Roger Pinckney Sheriff of Charlestown District Do hereby certify that the half sheet of Paper hereunto annexed and marked with the Letter A Do the contain a true Copy of the Commitment of Thomas Powell by Sir Egerton Leigh President of the Upper House of Assembly And that the other half sheet of Paper hereunto annexed and marked on the top with the Letter B Do the contain a true Copy of the Writ of Habeas corpus Brought for the said Thomas Powell with the Sheriffs return thereon as also the Order for the Discharge of the said Thr Powell under the Hands and Seals of the Honble Charles Lowndes and George Gabriel Powell Esqr Two of his Majesty's Justices of the Peace for Charlestown District (Quorum Unus) Witness my hand and seal this fourth day of September 1773.

Rogr Pinckney
Sheriff



South Carolina

A

In the Upper house of Assembly
Tuesday the 31st day of August 1773.

Whereas Thomas Powell hath this day at the Barr of this House acknowledged himself to be the Printer and Publisher of a Newspaper called the So. Carolina Gazette No. 1966 dated Charles town Monday the 30th day of August 1773 in which Paper is printed part of the proceedings of this House on Thursday the 26th day of August Instant which this house hath this day resolved to be a high Breach of Privilege and a Contempt of this House who hath thereupon Ordered that the said Thomas Powell should be therefore committed to the Common Goal of Charles town during the pleasure of this House It is therefore hereby Ordered by the House that you do receive the Body of the said Thomas Powell herewith sent to you into your Custody and him safely in the Common Goal of Charles town to keep and detain during the Pleasure of this House and for so doing this shall be your Warrant.

By Order of the House
Egerton Leigh. Prest.

To

Roger Pinckney Esq. Sheriff of Charlestown District, his Deputy and Deputies and to the Keeper of the Common Goal in Charlestown

B.P.R.O. America & West Indies Vol 228
In Lieut Gov.r Bulls letter of 18th Sept.r 1773

South Carolina

13.

George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth To the Sheriff of Charles Town District and to the Keeper of the Common Goal in Charlestown Greeting
We command you and each of you without delay that you have the Body of Thomas Powell by whatsoever name he may be called into and under your Custody committed and detained as it is said before the Honourable Rawlins Lowndes and George Gabriel Powell Esquires two of the Justices of the Peace for Charlestown District (Quorum unus) and also the day and cause of the Caption and Detention of the said Thomas Powell in the State House in Broad Street in Charlestown at Eight of the Clock in the Forenoon of To Morrow, to do and receive what our said Justices shall then and there consider in that Behalf, And have you then and

and there this Writ Witness the Honourable Rawlins Lowndes and George Gabriel Powell Esquires two of our Justices of the Peace for the District and Province aforesaid (Quorum Unus) at Charlestown this first day of Septem.r in the Year of our Lord One thousand seven hundred and Seventy three and in the thirteenth Year of Our Reign

Rawl.s Lowndes L.S.
G. G. Powell L.S.

South Carolina

Ex Parte Powell

I Roger Pinckney Sheriff of Charlestown District in the Province aforesaid Do hereby certify to the Honble Rawlins Lowndes and George Gabriel Powell Esq.r the Justices within named that I do detain the Body of the within named Thomas Powell by virtue of a Commitment under the Hand of Sir Egerton Leigh as President in the Upper House of Assembly (a true Copy whereof is hereunto annexed) & for no other cause or thing whatsoever

Charlestown Sep.t 2 1773.

Roger Pinckney Sheriff.

Statum
ssimo
secundi

We the Justices within Named before whom the Within Writ was returnable having considered the Causes set forth in the Warrant of Committment hereunto annexed, are of opinion that the same is not warranted by Law but is contrary thereto, And therefore do Order and Direct that the Sheriff do forthwith discharge the Prisoner Thomas Powell detained in his Custody only for the Causes therein set forth.

Given under our Hands & Seals
the 3d Sept.r 1773.

Rand.r Saunders L.S.
G. G. Powell L.S.

B P R O America & West Indies Vol 228
(N° 61)

Charlestown
September 19th 1793

My Lord

Last night I received a Letter from Sir Egerton Leigh copy whereof I have the honor to inclose to your Lordship as it has a consequential reference to the Address of his Majesty's Council to the King, transmitted to your Lordship with my letter N° 60 With regard to the Turn which this matter is likely to take, I shall only take the liberty to observe to your Lordship, if it is left wholly to the jury it is probable Sir Egerton Leigh will be cast, as it is a cause of a popular complexion at present, but if by any omission in the Plaintiff's Counsell or Attorney or ingenuity of the Defendants, it can be brought by Demurrer to the decision of the Judges, it is possible the Plaintiff may be non suited.

I shall communicate to your Lordship the event of the suit as soon as it is determined. I have the honor to be with the

greatest

greatest respect
My Lord
Your Lordship's
Most obedient and
Most humble servant
Wm Bull

To the right honorable
the Earl of Dartmouth
his Majesty's Principal
Secretary of State for America
Whitehall

Received 26th November

B.P.R.O. America & West Indies Vol. 228
Ln Lieut. Gov.r Bull's letter of 19th Sept.r 1773

Charlestown 18th Sept.r 1773

Sir,

I have this moment received a note from Mr. Edward Rutledge acquainting me that he has been applied to, to bring an Action against me for the Imprisonment of Thomas Powel.

I don't apprehend that it is in your Honor's power to prevent such a Measure, but I think it is my duty to make known to you the unprecedented Insult which is intended to be cast upon the Second or Middle Branch of the Legislature of this Colony by an Action against me for an Act done by me as President of his Majesty's Council and under the Authority of the Upper House.

Whether this is a circumstance in addition to the Proceedings of the Commons House of Assembly material to communicate to his Majesty's Ministers, I wholly submit to your Honor's Judgment.

I am

Sam, Sir

Your most obed.t Servt

Egerton Leigh

The Honble

Wm Bull Esq.r

Lieut Governor &c &c

B P R O America & West Indies Vol 228
(N° 62.)

Charlestown October 20th 1773

My Lord,

I have the honor to acquaint your Lordship that according to my Letter N° 61 Motion was made the 21st of last Month in the Court of Common Pleas of this Province for leave to file a Bill against Sir Egerton Leigh at the suit of Powell the Printer. On the 12th instant the Motion was renewed and Sir Egerton Leigh made affidavit that he had no other concern with Powell than the Committment by order of the Upper House. Whereupon Mr Simpson who is clerk of the Council and a Counsellor in the Court of Common Pleas, moved the Court on behalf of Sir Egerton Leigh for a rule to shew cause why all proceedings in this cause should not be stayed. On the 16th instant the Court on hearing Arguments on both sides ordered the Rule to be absolute. The whole Court the Chief Justice and four Puisne Judges present being unanimous therein. I take the liberty to transmit to your Lordship a Copy of

of Sir Egerton Leighs letter to me to inform me of the proceedings thereupon as it states the whole matter particularly. This solemn opinion will put a stop to such vexatious suits hereafter on the like occasions, and establish, at least, in the Courts of Law, this important point in regard to the Constitution of the Council as a Branch of Legislature, however the Assembly may perhaps differ from them therein, or Justices of Peace may act in a like Case of habeas Corpus.

I have the honor to be with the greatest respect

My Lord

your Lordships

Most obedient and

Most humble Servt

Wm Bull.

To the right honorable
the Earl of Dartmouth his Majesty's
Principal Secretary of State for
America at

Whitehall

Received 6th December

B.P.R.O. America & West Indies Vol 228

In Lieut. Gov.r Bull's letter of 20th October 1773

Charlestown 16th October 1773

Sir,

Having signified to your Honor by Letter of the 18th of September last that Thomas Powell had by his Attorney given me notice that a suit was to be commenced against me for an Assault and false Imprisonment of his Person, I think it my Duty to state all subsequent proceedings, that Administration may have the whole of this uncommon case properly before them.

On the 21st of September last (being return day) Mr. Edward Rutledge moved to file a Bill against me agreable to his notice, when I observed to the Court that altho' the Motion perhaps may seem to be of course, yet I conceived the case was of such a nature that it might be improper to allow the same, and that the very application for leave to file the Bill, presupposes that on special occasions the Court may refuse it.

Y

I likewise suggested that by the 9th Article of the Bill of Rights "Proceedings in Parliament ought not to be impeached or questioned in any Court or Place out of Parliament"; and that this Statute and all others declaring the Rights and Liberties of the People are (by the third Section of an Act of Assembly for enforcing English Statutes) made of full force in this Province vide Pritts Laws Page 253.

I observed that the proposed Bill could only relate to a Warrant of Commitment signed by me during the last Session of Assembly for a Breach of Privilege and Contempt committed by the said Thomas Powell against the Upper House of Assembly, and that I signed the said Warrant by order thereof, that therefore this business relates to Legislative transactions, and is not cognizable by this Court.

The Chief Justice acknowledged the matter to be of weight and moment, and the affair was ordered to lie over till the ensuing Term.

On the 12th instant (being the first day of Term) Mr. Rutledge renewed his Motion,

and

and in my absence the Bill was admitted and filed, the day following I was served with a copy of a four day rule to appear or to stand forejudged the Court

As I considered this suit to be the effect of a factious spirit, and that it was a manifest insult upon Government I resolved to attack it in the earliest stage, for I could not persuade myself to appear voluntarily to such an action I therefore framed an affidavit stating that the pretended Assault and false Imprisonment charged in the Plaintiffs Bill relate to a Warrant of Commitment signed by me by order of the Upper House of Assembly of this Province (the Deponent being President by his Majesty's Council, as also a Member of the said House, and it being the usage and Practice of the said Upper House to order the President to sign all Messages, and other proceedings necessary to be signed during the last sitting of both Houses, for a Contempt and Breach of Privilege committed by the said Thomas Powell against the said Upper House, as a Branch of the Legislature of this Country, and also that the Deponent never

never had any other concerns with the said Thomas Powell than as above stated, except that he owes him for nearly twelve months Gazettes, and an Article of Printing for his Office of Attorney General, which he is ready to pay on demand & the Deponent further positively averred & deposed that the said Thomas Powell has no cause of suit, Bill or Action against him civil or criminal than as above particularly stated & set forth. This Affidavit was put into the hands of Mr Simpson who moved that it might be sworn which was done the 14th inst upon a Motion grounded thereon for a rule to shew cause why all proceedings in this Action should not be stayed the same was granted accordingly & the Plaintiffs Attorney being duly served with copies of the Affidavit & Rule, Mr Rutledge this day proceeded to shew Cause agreable to the Rule, which being opposed by Mr Simpson on my behalf upon the Principles before stated, the Court after hearing Arguments on both sides ordered the Rule to be made absolute, thus Sir, is happily defeated, a most factious attempt to insult the Constitution of this Country.

The Chief Justice was very diffuse upon the Point and in express Terms declared the Council to be an <u>Upper House of Assembly</u>, in which

which all other Judges unanimously concurred

I hope the part I have acted will be agreable to your Honor, and satisfactory to Government the Interest whereof I ever have at heart

Same with regard

Sir

Your Honors Most obedient humble Servt

Egerton Leigh

To the
Hon.ble William Bull Esq.
Lieut. Govr. of S.t Carolina
&c. &c.

B.P.R.O. America & West Indies Vol 225

Charlestown October 21 1773

My Lord,

I have the honor to acquaint your Lordship that the Journals of the Council and Assembly of this Province up to the last adjournment are now sent in his Majesty's Packet Le Despencer as they were not ready when I closed my Packet to your Lordship, but were finished before she sailed.

I am with the greatest respect

My Lord

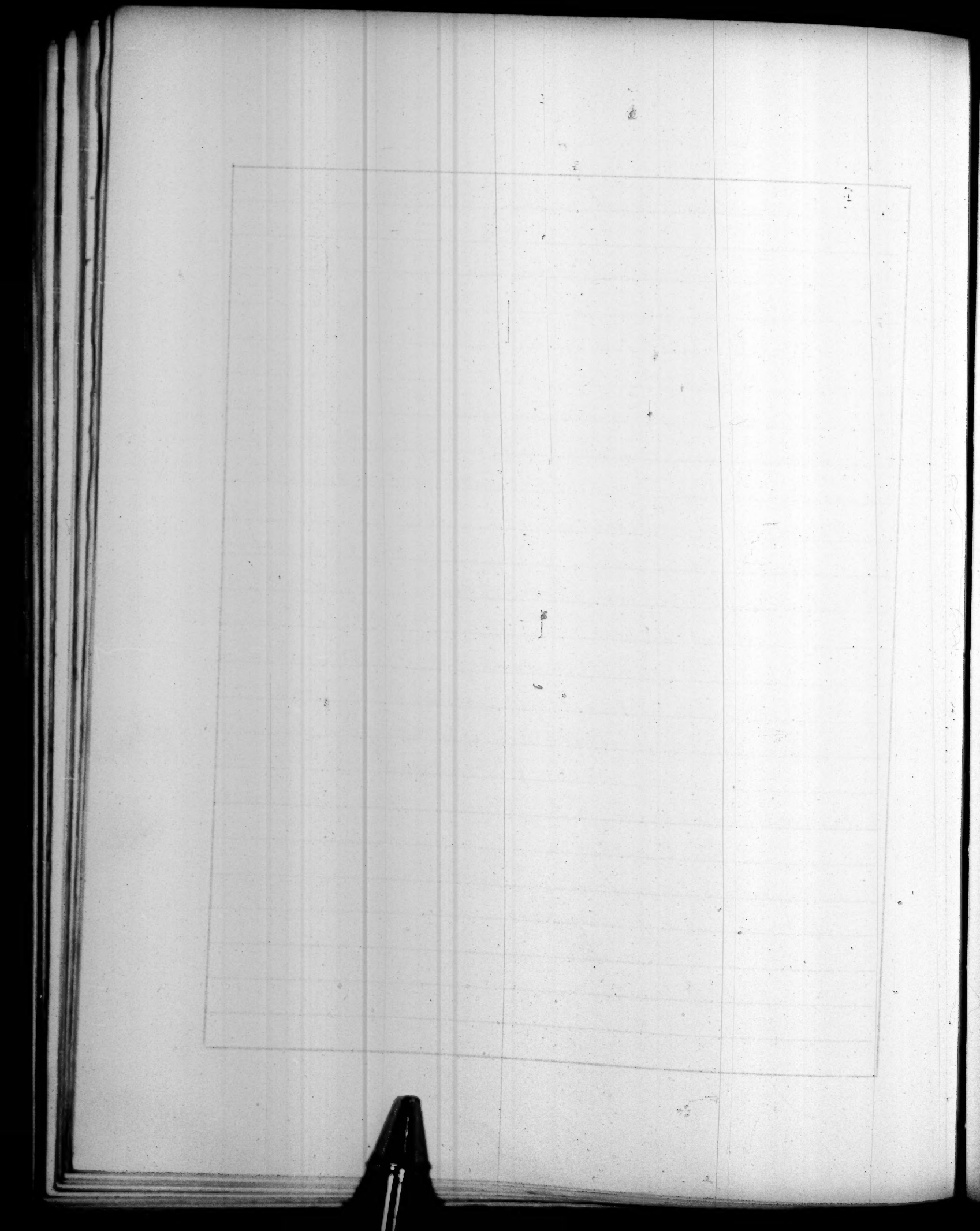
your Lordships

Most obedient and

Most humble Servt

Wm Bull

To the right honorable
the Earl of Dartmouth
his Majesty's Principal
Secretary of State for America
at
Whitehall



B.P.R.O. America & West Indies Vol 228.
(N° 8)

Whitehall
28th October 1773.

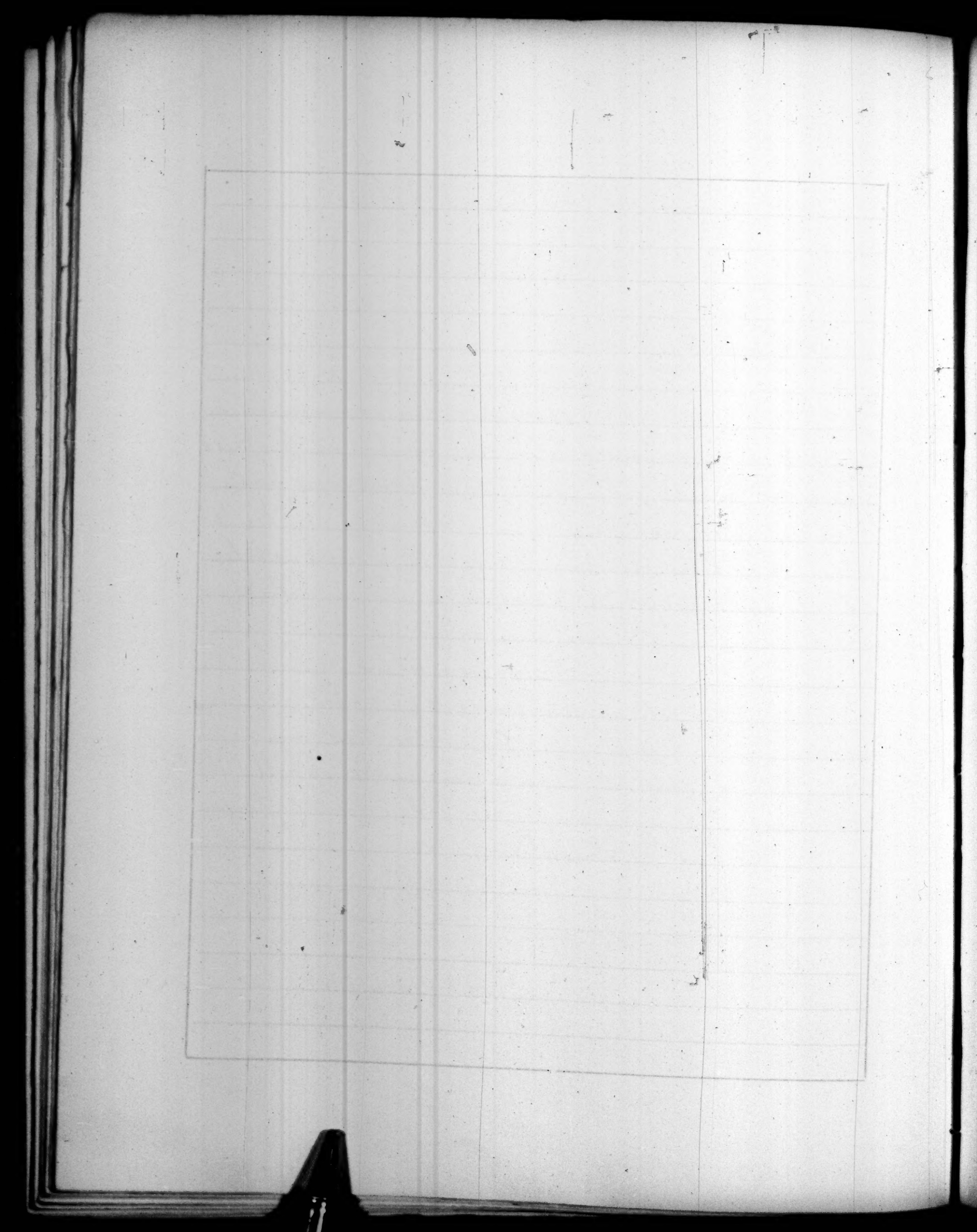
Lieut Govr Bull

Sir,

It was a great concern to me to find, by your letter N° 58, that you had no hopes of doing any Legislative Business with the present Assembly.

The Papers inclosed in your Dispatch N° 59, containing an account of what passed in the Council and Assembly with regard to the State of the Public Treasury, are a fresh Evidence of the ill effects of the Assembly's obstinacy in refusing to comply with the just and equitable expectations of the Crown, expressed in the additional Instruction to Lord Charles Montagu.

I am &c.
Dartmouth.



B P R O America & West Indies Vol 228

Portsmouth
Novr 22nd 1773

My Lord.

I do myself the honor of informing your Lordship of my being safely landed at Portsmouth, not being in the best state of health it may take me a few days to recover the fatigue of the voyage, I shall then do myself the honor of immediately waiting on your Lordship

I am my Lord
Your Lordships
Most obliged
Humble Ser^t
William Campbell

To the
Earl of Dartmouth

Rec^d 26th November

B.P.R.O. America & West Indies Vol. 228.

Georges
November 29th 1773

My Lord,

By Dispatches this Morning come to Hand from the Province of So Carolina I observe that an Address to his Majesty from the Council of that Province together with sundry Papers are lately transmitted by the last Governor to your Lordship to be laid before the King, and as I have sundry Instructions upon the Subject to which those Papers relate from the Representatives of the People there, among other things "to make a most humble Representation of the Conduct of his Majesty's Council to their most gracious Sovereign, and to implore the Removal of those who ordered the Commitment of Thos Powell or such other marks of his Majesty's Royal Displeasure as may prevent in future so dangerous an Encroachment on the Liberties of the People" I think it my Duty to apprize your Lordship that I have Instructions upon this business

and

and therefore to request your Lordships interposition that his Majesty's Pleasure upon the said Address of the Council and Papers respecting the same may be suspended till I have had an opportunity of laying before his Majesty the Case on the part of the People and House of Assembly for his Majesty's more full information and Judgment thereupon.

I have the honor to be with great respect

My Lord

Your Lordships

Most obedient and

Most humble Servt

Chas Garth

Decr 29th

Novr 29th 1773

Received 2d December

B.P.R.O. South Carolina B.T. Vol 23.

To the Right Honble the Lords Commissioners
for Trade & Plantations
The Memorial of the Agent of South Carolina

Sheweth

That having occasion for sundry evidences hereafter mentioned, he prays your Lordships Order and Leave

To examine the records of Proceedings when the Crown was pleased to take the Province from the Control and Government of the Lords Proprietors, to inspect the Instructions given to and carry'd over by Govr Nicholson and to inspect the Constitution of Appointment of a Council with the Mandamuses at that time granted and made out.

Chas Garth

Whitehall
Decr 13th 1773.

Received Decr 13th 1773
Read Do

340

B.P.R.O. America & West Indies Vol 228

To the Kings Most Excellent Majesty
The Humble Petition of Charles Garth Esquire
Provincial Agent of Your Majestys Province of
South Carolina

Most Humbly Sheweth

That Your Petitioner having Command from the Commons House of Assembly of the Province aforesaid to make known to Your Majesty the Violation of the Liberty of Your Majestys Liege Subjects Inhabitants of that Province, done and committed upon the Person of Thomas Powell Printer in Charles Town by virtue of a Warrant of Commitment from your Majestys Council and Imprisonment in consequence thereof, a violation whereof the Commons House of Assembly as the Representatives of a free People might have conceived themselves bound to complain, but in the present instance are in a more particular manner called upon so to do by the conduct of the said Council, inasmuch as after the said Commitment and Release of the said Thomas Powell by due course of Law Your Majestys

Majesty's said Council thought proper to send a Message to your Commons House of Assembly herein after stated persisting in their pretended Right of Committment and passing severe censures on two of the Members of your Commons House of Assembly for discharging the said Thomas Powell.

Surprized and astonished to hear the Contents of a Message avowing an unprecedented Committment and charging two of their Members unheard with having absolutely and actually abolished a Branch of the Legislature, and with a subversion of the Constitution of that Government: the Commons House before they would give way to the Message sent and comply with the Expectation expressed of a direction from the House to their two Members to wave their Privilege, thought it a duty to their Sovereign and their Constituents to proceed to an immediate inquiry into the whole of the proceedings respecting this important transaction, as well on the part of Your Majesty's Council as of their own Members & the two Justices by whom the said Thomas Powell was discharged from his said Imprisonment and

and as in the course of that enquiry they found a power claimed and exercised by your Majesty's said Council unprecedented and unknown and which they conceived to be illegal and in the manner of Exertion particularly oppressive and violent, they do with all Humility beg leave to lay before your Majesty for their Sovereign's immediate knowledge and interposition the whole of the proceedings and the previous steps leading thereto as follows

That the Commons House of Assembly of Your Majesty's Province of South Carolina having during their last sitting passed two Bills of very great consequence, the one for granting One Hundred Thousand pounds to Your Majesty for the purpose of Fortifications, and the other of them for preventing the counterfeiting the paper money of other Colonies, and sent the same up to your Majesty's Council in the same Manner, they not only declined passing either of them but on an application to them from the Commons House of Assembly to expedite the latter, Your Majesty's Council on the twenty sixth day of August last wantonly put the previous question

and

and postponed the reading such Bill the third time sine die.

That John Drayton and William Henry Drayton Esquires two of Your Majesty's said Council having by leave of the said Council entered a protest against the aforesaid Resolution, which is entered in the said Councils Journals and to which Your Petitioner humbly begs leave to refer and the same having been afterwards printed by one Thomas Powell in the South Carolina Gazette Number 1966 Your Majesty's said Council on the thirty first day of August last, made an order that the said Thomas Powell should attend them, and he attending accordingly, and confessing that he was the Printer of the South Carolina Gazette Number 1966, Your Majesty's said Council on the same thirty first day of August came to a Resolution that the said Thomas Powell had thereby been guilty of an High Breach of Privilege, and a contempt, and ordered him to be taken into the Custody of the Serjeant at Arms to answer the matter of the said charge, and the said Thomas Powell being brought to the Bar accordingly in custody, Your Majesty's said

Council

Council were pleased to come to another Resolution
that the said Thomas Powell who had been that
day adjudged to have been guilty of an high
breach of privilege and contempt should be for
his said offence committed to the Common Gaol
of Charles Town and that the President should
issue his Warrant accordingly, which accordingly
was done, and the said Thomas Powell committed
although the said Thomas Powell informed the
said Council that the said William Henry Drayton
had delivered him the Copy of the matter there
printed who desired him to print the same, and
altho' the said William Henry Drayton admitted
the same and before the putting the question claim-
ed leave to enter his dissent and protest if the
said Question should be carried, and which he
accordingly afterwards entered on the Journals of
the said Council with his reasons, where the same
now remain, and to which Journals your Peti-
tioner humbly begs leave to refer for a more
minute detail of the proceedings relative to the
said Thomas Powell and his Commitment.

But the said Thomas Powell having
petitioned Rawlins Lowndes and Gabriel Powell
Esquires

Esquires two of your Majesty's Justices of the Peace for the said Colony that they would issue a Writ of Habeas Corpus for his being brought before them and they hearing granted the same as by Law they were bound to do, he the said Rawlins sounds out of decency and respect to your Majesty's Council immediately acquainted your Majesty's Attorney General therewith as President of the said Council but your Majesty's Attorney General instead of availing himself of such notice by attending to endeavour to support the legality of the Council's Commitment before the said Justices, contented himself with sending word he could not attend, and acquainting your Majesty's Council with such message and answer as appears by the Journals of the said Council.

That the said Justices having after a solemn hearing upon the return of the said Habeas Corpus discharged the said Thomas Powell from his imprisonment as by Law they were bound to do, your Majesty's said Council instead of acquiescing in such legal determination thought proper to persist in maintaining their usurped authority and accordingly on the 6th day

of

ratum sic Sept.

of December last came to a Resolution that the Power of Committment was so necessarily incident to each House of Assembly that without it neither their authority or dignity could be maintained and supported, and on the same day came to another resolution that the two Justices (although one of them was the Speaker and the other a Member of the Commons House of Assembly) had been guilty of the most atrocious contempt of that House and by their public avowal and declaration made by them in pronouncing judgment that that House was no Upper House of Assembly on which principle alone they discharged the said Thomas Powell, they had as far as in them lay absolutely and actually abolished one of the Branches of the Legislature & in so doing had subverted the Constitution of that Government, and had expressly sounded the most dangerous alarm to the good subjects of that Province, and further resolved that a Copy of the Resolutions then made, should be sent to the Commons House of Assembly together with a Message that they expected they would direct the two Justices to waive their privilege that Your Majesty's said Council might proceed to take cognizance of

of their said breach of Privilege and contempt.

That such rash and violent Resolutions were carried and thereby a severe censure passed on the Members who discharged Thomas Powell, without hearing any evidence to support the same or in defence of the said Members.

That the said Resolutions it is humbly submitted, are not warranted in Law, or by the facts of the case in the most material part thereof as will appear by the Journals of the Commons House of Assembly of their proceedings on the 8th day of September last (and to which your Petitioner claims leave to refer himself) wherein are entered the Judgment given by the said two Justices on the discharge of the said Thomas Powell and the proceedings relative thereto.

That your Majesty's said Council by receiving Bills and reading them twice, and afterwards postponing the same sine die without making any objection to the necessity or utility of such Bill, as they did on the twenty sixth day of August last are guilty of great irregularity and contemptuous treatment of the Commons House of Assembly in keeping them sitting to no

no purpose, and the same has a manifest tendency to create dissentions between them, and Your Majesty's Council to the great hindrance of the publick business but if the reading the said Bill the third time was postponed sine die for the reason suggested in the protest that day entered, the same manifestly tends to the destruction of the Constitution of the Colony by rendering the Commons House of Assembly entirely dependent on your Majesty's Council

That the Committment of the said Thomas Powell by your Majesty's Council It is humbly submitted to your Majesty (as it has been resolved by your Majesty's Commons House of Assembly to be) unprecedented, unconstitutional and oppressive, and a dangerous violation of the liberty of the Subject.

Your Petitioner therefore in pursuance of directions received from the Commons House of Assembly in Your Majesty's said Colony most humbly doth beseech Your Most Excellent Majesty, to remove those of your Majesty's said Council in your Colony of South Carolina who ordered the Committment of the said Thomas

Thomas Powell, or that Your Majesty would be graciously pleased to shew such other Marks of your Royal Displeasure towards them as may in future prevent so dangerous an encroachment on the Liberties of the People.

And your Petitioner shall ever pray &c.

Charles Garth.

London
15th December 1773.

B.P.R.O. America & West Indies Vol 229.
(No 63)

Charles Town
December 24th 1773

My Lord,

On the 2d instant Captain Curling arrived here with 257 chests of Tea, sent by the East India Company with the same Instructions to Agents appointed here as at Boston New York and Philadelphia. The Spirit which had been raised in those Towns with great threats of violence to hinder the landing and disposing of the Tea there, was communicated to this Province by Letters Gazetter & Merchants several Meetings of the Inhabitants of Charles Town were held to consider of measures to effect the like prohibitions here, but tho' the warmth of some was great, many were cool, and some differed in the reasonableness and utility thereof. The Gentlemen who were appointed Agents for the East India Company were prevailed upon by threats and flatterys to decline the Trust, and in imitation of the Northern Towns, Declarations were made that it should not

not be landed. The Tea was all this time kept on board the ship, the Captain being apprehensive of some violence on his attempting to land it, and there being no Persons impowered to take charge of it. When the period of twenty days after his arrival approached, at which time the Collector of His Majesty's Customs by his Instructions required to seize Goods liable to pay duty, to secure the payment, tho' the Merchants of the Town had generally disagreed to this Measure of prohibiting the Landing the Tea, yet some warm bold spirits took the dangerous method of sending anonymous Letters to Captain Curling and some of his Friends & the Gentleman who owned the wharf where the ship lay, requiring Curling to carry his ship from the wharf to the middle of the River, threatning great Damages on failure. These Letters being communicated to me, I summoned His Majesty's Council, that I might do everything in my power, to prevent any such dangerous attempts to disturb the public peace and interrupt the seizure and landing and storing by the Collector, Accordingly by their advice

gave

gave orders to the Sheriff to be ready at the Call of the Collector (but not to move without) with all his Officers to support the Collector in landing it and to seize and bring to justice any Persons who should dare to interrupt him, in the Execution of his Duty. It being known that some Measures were taken, tho' the extent thereof was carefully concealed, the Collector on the twenty second seized landed and stored the Tea in Stores under the Exchange without one Person appearing to oppose him. The Tea is to remain in store till the Collector shall receive further orders relative thereto.

Various were the opinions of men on this subject, some were for drinking no Tea that paid Duty, and were confident of a supply of such. Others were for putting every dutied Article on the same footing as Wine &c. but others considered Wine as a necessary of life. It is my opinion that if the Merchants, who owned this Measure of importing Tea in a commercial rather than political light had shewn their disapprobation of the intended opposition to land it, by Action, rather than by a refusal

to

to subscribe the proposed association, and a contempt of the Public Meetings on this occasion, and the Agents of the East India Company had not been so hasty in their declining to accept their Grants, all might have gone on well according to the Plan of the East India Company, and to our benefit in purchasing that article now become one of the necessaries of life, at a much cheaper rate than at present.

I flatter myself that it will not be disagreable to your Lordship to be informed that the Vignoble on Broad River in this Province for which I obtained a Bounty of £50 two years ago from the honourable Society for encouraging Arts and Manufactures, has this year produced one Hogshead and a Cask of Wine. Two other Persons made Wines in the same Neighbourhood, which sold for 4s. 4d. the Gallon as soon as it was made. These wines tho' not at present fit for any good palate give us room to hope that experience will soon improve them.

I have the Honour to be with the greatest respect

My

My Lord
Your Lordships
Most obedient and
Most Humble Servant
Wm Bull

To the Right Hon.ble
The Earl of Dartmouth
His Majesty's Principal
Secretary of State for
America at
Whitehall

Received 28.th Jan.y 1774.